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THE  
REVISED STATUTES  
OF  
ONTARIO.



VOL. II.







Statutes  
Ont

Ontario Statutes

THE

REVISED STATUTES

OF

25

ONTARIO,

BEING A CONSOLIDATION OF THE PUBLIC GENERAL ACTS  
OF THE LEGISLATURE OF ONTARIO, WITH SUCH  
OF THE PUBLIC GENERAL ACTS OF THE  
LATE PROVINCE OF CANADA.

AS RELATE TO MATTERS WITHIN

THE AUTHORITY OF THE LEGISLATURE OF ONTARIO.

VOL. II.



248959.  
19. 11. 30.

Toronto:  
PRINTED BY JOHN NOTMAN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
ANNO DOMINI MDCCCLXXVII.

PRINTED AND BOUND BY  
HUNTER, ROSE & CO.,  
TORONTO.



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# TITLE XI.

## COMPANIES AND CORPORATIONS.

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An Act containing General Provisions applicable to Joint Stock Companies incorporated by Special Act for certain purposes.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Short title.

1. This Act may be cited as “ *The Ontario Joint Stock Companies General Clauses Act.*”

Meaning of expression “ Special Act.”

2. The expression “ The Special Act,” when used in this Act, shall be construed to mean any Act incorporating a Company for any of the purposes herein mentioned, and with which this Act is incorporated, in manner hereinafter mentioned,—and also all Acts amending such Act. 24 V. c. 18, s. 3.

**3.** The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say: Interpretation clause.

(1.) "The Company" shall mean the Company incorporated by "Company." the Special Act;

(2.) "The undertaking" shall mean the whole of the works and business of whatever kind, which the Company is authorized to undertake and carry on; "Under-taking."

(3.) "Real estate" or "land," shall include all real estate, messuages, lands, tenements and hereditaments, of any tenure; "Real Estate," "Land."

(4.) "Shareholder" shall mean every subscriber to or holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder. "Shareholder." 24 V. c. 18, s. 4.

**4.** When not otherwise expressly enacted, this Act shall apply to every Joint Stock Company, subject to the Legislative authority of the Legislature of this Province, and incorporated by any Special Act passed since the eighteenth day of May, 1861, or hereafter, for any of the following purposes: To what Companies this Act shall apply.

1. The carrying on of any kind of manufacturing, shipbuilding, mining, mechanical or chemical business; Manufacturing.

2. The erection and maintenance of any building or buildings to be used in whole or part as a Mechanics' Institute, or Public Reading or Lecture Room, or as a place for holding Agricultural or Horticultural Fairs or Exhibitions, or as a place for Educational, Library, Scientific or Religious purposes, or as a Public Hotel, or as a place for Baths and Bath-houses; Buildings for certain purposes.

3. The opening and using of Petroleum, Salt or Mineral Springs; Mineral Springs.

4. The carrying on of any Fishery or Fisheries in this Province, or the waters thereto adjacent, and the building and equipping of vessels required for such Fishery or Fisheries; Fisheries.

5. The carrying on of any general forwarding business, and the construction, owning, chartering or leasing of ships, steam-boats, wharves, roads, or other property required for the purpose of such forwarding business; Forwarding.

6. The supplying of any place with Gas or Water, or with both Gas and Water; Gas or Water.

7. The constructing of any line or lines of Telegraph; Telegraphs.

8. The acquiring or constructing, and maintaining of any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in this Pro- Works for transmission of timber.

vince, and the blasting of rocks, the dredging or removing of shoals or other impediments, or the improving otherwise of the navigation of such streams for such purpose ;

Roads,  
piers, etc.

9. The acquiring or constructing, and maintaining, of any plank, macadamized or gravelled road, or of any bridge, pier, wharf, dry dock, or marine railway ;

This Act to be incorporated with Special Acts incorporating Joint Stock Companies for the above purposes.

And this Act shall be deemed to be incorporated with every such Special Act ; and all the clauses and provisions of this Act<sup>a</sup> unless they are expressly varied or excepted by any such Special Act, shall apply to the Company thereby chartered, so far as applicable thereto, and shall, as well as the clauses and provisions of every other Act incorporated with such Special Act, form part of such Special Act, and be construed together therewith as forming one Act. 24 V. c. 18, s. 1.

How incorporated with Acts for other purposes.

5. For the purpose of incorporating this Act, or any of its, provisions with a Special Act for purposes other than aforesaid it shall be sufficient in such Special Act, to enact, that the clauses of this Act, or such of them as in such Act may be particularly designated to that end, shall be incorporated with such Special Act ; and thereupon, all such clauses, save in so far as they are expressly varied or excepted by such Special Act, shall be construed as if the same were formally embodied and reproduced therein. 24 V. c. 18, s. 2.

General corporate powers of every such Company.

6. Every Company incorporated for any of the above purposes, under any Special Act, shall be a body corporate under the name declared in the Special Act, and may acquire, hold, alienate and convey, any real estate necessary or requisite for the carrying on of the undertaking of such Company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act, and which are incident to such corporation, or expressed or included in "*The Interpretation Act.*" 24 V. c. 18, s. 5.

Rev. Stat. c. 1.

Powers under Special Act to be subject to this Act.

7. All powers given by the Special Act to the Company shall be exercised subject to the provisions and restrictions contained in this Act. 24 V. c. 18, s. 6.

Board of Directors.

8. The affairs of every such Company shall be managed by a Board of not less than three, nor more than nine Directors. 24 V. c. 18, s. 7.

First Directors.

9. The persons named as such, in the Special Act, shall be the Directors of the Company, until replaced by others duly named in their stead. 24 V. c. 18, s. 8.

Qualification of Directors.

10. No person shall be elected or named as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon ; And the major part of the after Directors of the Company shall, fur-



ther, at all times, be persons resident in this Province, and subjects of Her Majesty by birth or naturalization. 24 V. c. 18, s. 9.

**11.** The after Directors of the Company shall be elected by the shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the Special Act, or, in default thereof, the by-laws of the Company, may prescribe. 24 V. c. 18, s. 10.

Election of Directors.

**12.** In default only of other express provisions in such behalf, by the Special Act or by-laws of the Company,—

As to elections when not otherwise provided for

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election ;

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the place in which the office or chief place of business of the Company is ;

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy ;

4. Elections of Directors shall be by ballot ;

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company ;

6. The Directors shall from time to time elect from among themselves a President of the Company ; and shall also name, and may remove at pleasure, all other officers thereof. 24 V. c. 18, s. 11.

**13.** If at any time an election of Directors is not made or does not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected. 24 V. c. 18, s. 12.

Provision in case of failure of election.

**14.** The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into. 24 V. c. 18, s. 13.

Powers of Directors.

By-laws for  
divers  
purposes.

**15.** The Directors may from time to time make by-laws not contrary to law, nor to the Special Act, nor to this Act, to regulate—

Stock.

(a) The allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock ;

Dividends.

(b) The declaration and payment of dividends ;

Directors.

(c) The number of the Directors, their term of service, the amount of their stock qualification ;

Officers.

(d) The appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors ;

Annual  
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(g) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and

Miscellaneous.

(h) The conduct in all other particulars of the affairs of the Company ;

By-laws to be  
confirmed.

and may from time to time repeal, amend or re-enact the same ; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force. 24 V. c. 18, s. 13.

Proof of by-  
laws.

**16.** A copy of any by-law of the Company, under its seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity in this Province. 24 V. c. 18, s. 14.

Proviso, call-  
ing special  
meetings.

**17.** One-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect. 24 V. c. 18, s. 13.

Stock to be  
personalty.

**18.** The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and

subject to all such conditions and restrictions as by this Act, or <sup>Transfer.</sup> by the Special Act or by-laws of the Company, may be prescribed. 24 V. c. 18, s. 15.

**19.** If the Special Act makes no other definite provision, the <sup>Allotting</sup> stock thereof shall be allotted, when and as the Directors, by <sup>stock.</sup> by-law or otherwise, may ordain. 24 V. c. 18, s. 16.

**20.** The Directors of the Company may call in and demand <sup>Calling in in-</sup> from the shareholders thereof, respectively, all sums of money <sup>stalments.</sup> by them subscribed, at such time and places, and in such payments or instalments, as the Special Act, or as this Act may require or allow; and interest shall accrue and fall due, at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. 24 V. c. 18, s. 17.

**21.** Not less than ten per centum upon the allotted stock of <sup>Ten per cent.</sup> the Company shall, by means of one or more calls, be called in <sup>at least to be</sup> and made payable within one year from the incorporation of <sup>called in</sup> the Company; and for every year thereafter, at least a further <sup>yearly.</sup> ten per centum shall in like manner be called in and made payable, until the whole is called in. 24 V. c. 18, s. 18.

**22.** The Company may enforce payment of all calls and interest thereon, by action in any Court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the Company under this Act; and a certificate under the seal, and purporting to be signed by any officer, of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect. 24 V. c. 18, s. 19.

**23.** If, after such demand or notice as by the Special Act <sup>Forfeiture for</sup> or by-laws of the Company is prescribed, any call made upon <sup>non-payment.</sup> any share or shares is not paid within such time as by the Special Act or by-laws is limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall <sup>Forfeited</sup> thereupon become the property of the Company, and may be <sup>shares to be-</sup> disposed of as by by-laws or otherwise it may ordain. 24 V. <sup>long to the</sup> Company. c. 18, s. 20.

Calls must be paid before transfer.

**24.** No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. 24 V. c. 18, s. 21.

Shareholders in arrear not to vote.

**25.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company. 24 V. c. 18, s. 22.

Books to be kept by the Company.

**26.** The Company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded—

What to contain.

1. The names, alphabetically arranged, of all persons who are or have been shareholders ;

2. The address and calling of every such person, while such shareholder ;

3. The number of shares of stock, held by each shareholder ;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder ;

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof ; and—

6. The names, addresses and calling, of all persons who are or have been Directors of the Company ; with the several dates at which each person became or ceased to be such Director. 24 V. c. 18. s. 23.

Directors may disallow transfer of stock in certain cases.

Their liability if they allow transfers to persons without means.

How Director may exonerate himself.

**27.** The Directors may refuse to allow the entry in any such book, of any transfer of stock whereof the whole amount has not been paid in ; and whenever entry is made in such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been ; but if any Director present when such entry is allowed forthwith, or if any Director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters in the minute book of the Board of Directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability. 24 V. c. 18, s. 24.

Effect of transfer limited until allowed.

**28.** No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto



towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors,—until entry thereof has been duly made in such book or books. 24 V. c. 18, s. 25.

**29.** Such books shall, during reasonable business hours of every day, except Sundays and statutory and obligatory holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative may make extracts therefrom. 24 V. c. 18, s. 26.

Books to be open to shareholders and creditors of Company.

**30.** Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder. 24 V. c. 18, s. 27.

Effect as evidence.

[Section 28 of 24 V. c. 18, is as follows :—

28. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be guilty of a misdemeanor, and being convicted thereof shall be punished accordingly.]

Penalty for making untrue entries.

**31.** Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights. 24 V. c. 18, s. 29.

Forfeiture of rights for not keeping books.

**32.** The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt. 24 V. c. 18, s. 30.

Company not bound to see to trusts on shares.

**33.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent,

Contracts, bills, notes, &c., by the Company, how to be executed,

officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefor ;

Proviso.

2. Nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank. 24 V. c. 18, s. 31.

As to holding stock in other corporations.

34. No Company shall use any of its funds in the purchase of stock in any other corporation, unless in so far as such purchase is specially authorized by the Special Act, and also by the Act creating such other corporation. 24 V. c. 18, s. 32.

Liability of shareholders.

35. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon ; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part ; and the amount due on such execution shall be the amount recoverable with costs, against such shareholders. 24 V. c. 18, s. 33.

Shareholders not liable beyond amount of their stock.

36. The shareholders of the Company shall not as such be held responsible for any Act, default or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof. 24 V. c. 18, s. 34.

As to stock held by persons in a representative capacity.

37. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward, and interdicted person, or the person interested in such trust fund, would be, if living and competent to act, and holding such stock in his own name ; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. 24 V. c. 18, s. 35.

Voting on such stock.

38. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder ; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. 24 V. c. 18, s. 36.

Liability of Directors for certain debts of Company.

39. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "*Limited*" or

the words "*Limited Liability*" are not distinctly written or printed after the name of the Company where first occurring, and also to the labourers, servants and apprentices of the Company, for all debts not exceeding one year's wages, due for service performed to the Company whilst they are such Directors respectively; but no Director shall be liable to an action upon any such contract or undertaking or for recovery of any such debt, unless the Company has been sued upon or for the same within one year after the same became exigible, nor yet unless such Director is sued thereon or therefor within one year thereafter, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable, with costs, against the Directors. 24 V. c. 18, s. 39.

Limitation of actions.

**40.** If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared, forthwith, or if any Director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the Board of Directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published in, or as near as may be possible to the place where the office or chief place of business of the Company is, such Director may thereby, and not otherwise, exonerate himself from such liability. 24 V. c. 18, s. 37.

Penalty for paying dividends when Company is insolvent, &c.

How a Director may exonerate himself.

**41.** No loan shall be made by the Company to any shareholder, and if such is made, all Directors and other officers of the Company making the same, or in any wise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also to third parties, to the extent of such loan with legal interest, for all the debts of the Company contracted from the time of the making of such loan to that of the re-payment thereof. 24 V. c. 18, s. 38.

Penalty for lending Company's money to shareholders.

**42.** Any description of action may be prosecuted and maintained between the Company and any shareholder thereof. 24 V. c. 18, s. 41.

Actions between Company and shareholders.

**43.** Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company has no known office or chief place of business, and has no known President or Secre-

Service of process on a Company.

tary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company. 24 V. c. 18, s. 40.

## CHAPTER 150.

### An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

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| <p>Short title, s. 1.<br/>         Interpretation, s. 2.<br/>         Companies which may be incorporated by letters patent, s. 3.<br/>         Procedure to obtain incorporation, ss. 4-10.<br/>         Changing of name of Company in certain cases, ss. 11, 12.<br/>         Informalities not to avoid letters patent, s. 13.<br/>         Corporate powers of Companies, s. 14.<br/>         Subdivision of shares, s. 15.<br/>         Increase or reduction of capital, ss. 16-20.<br/>         Powers of Company in letters patent to be subject to this Act, s. 21.<br/>         Directors :<br/>             Number and qualification, ss. 22-24.<br/>             Election, ss. 25-27.<br/>             Change in number of, s. 28.<br/>             Powers :<br/>                 Generally, s. 29.<br/>                 Special powers, s. 30.<br/>         Special meetings, s. 31.<br/>         Proof of by-laws, s. 32.<br/>         Stock, allotment, calls, transfer, &amp;c., ss. 33-40.<br/>         Shareholders in arrear not entitled to vote, s. 41.<br/>         Books to be kept and entry made of transfers of stock, ss. 42-48.</p> | <p>Yearly statement of affairs of the Company, s. 49.<br/>         Company not bound to see to execution of trusts in respect of shares, s. 50.<br/>         Contracts, &amp;c., how to be executed, s. 51.<br/>         Company not to hold stock in other corporations, s. 52.<br/>         Liability of shareholders, ss. 53-55.<br/>         Trustees, mortgagors of stock, &amp;c., may vote, s. 56.<br/>         Liability of Directors :<br/>             Paying dividends where Company is insolvent, s. 57.<br/>             Lending Company's money to shareholders, s. 58.<br/>             For wages of employees, s. 59.<br/>         Service of process on the Company, s. 60.<br/>         Actions between the Company and shareholders, s. 61.<br/>         Mode of reciting incorporation of Company in legal proceedings, s. 62.<br/>         Forfeiture of charter by non-user, s. 63.<br/>         Fees on incorporation, s. 64.<br/>         Incorporation of existing Companies under this Act, ss. 65, 66.<br/>         Affidavits under this Act, s. 67.<br/>         Winding-up Acts to apply, s. 68.</p> |
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



1. This Act may be cited as "*The Ontario Joint Stock Companies' Letters Patent Act.*" Short title.

2. The following expressions in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

(1.) "The letters patent" shall mean the letters patent in-  
corporating a Company for any purpose contemplated by this  
Act ; "The letters patent"

(2.) "The supplementary letters patent" shall mean any  
letters patent granted for the increasing or reducing of the capi-  
tal stock of such Company. "The supplementary letters patent;"

(3.) "The Company" shall mean the Company so incor-  
porated by letters patent ; "The Company;"

(4.) "The undertaking" shall mean the whole of the works  
and business of every kind, which the Company is authorized  
to carry on ; "The undertaking;"

(5.) "Real estate" or "land" shall include all immovable  
real property of every kind ; "Real estate,"  
"Land;"

(6.) "Shareholder" shall mean every subscriber to, or holder of  
stock in the Company, and extend to, and include the personal  
representatives of the shareholder. 37 V. c. 35, s. 2. "Shareholder."

3. The Lieutenant-Governor in Council may, by letters  
patent under the Great Seal, grant a charter to any number of  
persons, not less than five, who shall petition therefor, consti-  
tuting such persons and others who may become shareholders in  
the Company thereby created, a body corporate and politic,  
for any purposes or objects to which the legislative authority  
of the Legislature of Ontario extends, except the construction  
and working of Railways and the business of Insurance. 37  
V. c. 35, s. 3. Companies formed for certain purposes may be incorporated by letters patent.

4. The applicants for such letters patent must give at least  
one month's previous notice in the *Ontario Gazette*, of their in-  
tention to apply for the same, stating therein : Notice to be given in the Ontario Gazette, and what it shall contain.

(a.) The proposed corporate name of the Company, which shall  
not be that of any other known Company, incorporated or un-  
incorporated, or any name liable to be unfairly confounded  
therewith, or otherwise on public grounds objectionable ;

(b.) The object for which its incorporation is sought ;

(c.) The place or places within the Province of Ontario, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business ;

(d.) The amount of its capital stock ;

(e.) The number of shares and amount of each share ;

(f.) The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three of their number, who are to be the first Directors of the Company. 37 V. c. 35, s. 4 ; 39 V. c. 7, s. 25.

Petition for  
letters patent,

5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of such letters patent.

what it shall  
contain.

2. Such petition must state the facts required to be set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount, if any, paid in upon the stock of each applicant.

3. The petition must also state whether such amount is paid in cash or by transfer of property, or how otherwise.

4. In case the petition is not signed by all the shareholders whose names are proposed to be inserted in the letters patent, it shall be accompanied by a memorandum of association, signed by all the persons whose names are to be so inserted, or by their attorneys, lawfully authorized in writing, and such memorandum shall contain the particulars required by the next preceding section.

5. The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated. 37 V. c. 35, s. 5.

Notices for in-  
corporation of  
companies by  
the Legislature  
may in certain  
cases be  
accepted as  
notices for  
letters patent.

6. Where a notice has been published according to the rules of the Legislative Assembly for an Act incorporating any Company, the incorporation whereof is sought for objects for which incorporation is authorized by this Act, and a Bill has been introduced into the said Assembly in accordance with such notice, and is subsequently thrown out or withdrawn, then in case a petition to the Lieutenant-Governor for the incorporation under this Act of such Company is filed with the Provincial Secretary within one month from the day of the termination of the Session of the Assembly for which the said notice was given, such notice may be accepted in lieu of the notice required by the fourth section. 40 V. c. 8, s. 64.

7. The Lieutenant-Governor may dispense with the publication of the notice mentioned in section four, in any case in which the capital of the proposed Company is three thousand dollars or under; and in such case the petition to the Lieutenant-Governor shall state the particulars mentioned in section four in addition to the particulars mentioned in section five. 40 V. c. 8, s. 65.

Lieutenant-Governor may dispense with notice when capital \$3000 or under.

8. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, the sufficiency of their notice and petition, and that the proposed name is not the name of any other known incorporated or unincorporated Company.

Preliminary conditions, to be established

2. The Provincial Secretary, or such other officer, may for the purposes aforesaid, take and keep of record any requisite evidence in writing under oath or affirmation, and he, or any Justice of the Peace, or Commissioner for taking affidavits in any of the Superior Courts, may administer every requisite oath or affirmation. 37 V. c. 35, s. 6.

Proof thereof.

Power to take affidavits.

9. The letters patent shall recite such of the material averments of the notice and petition so established, as the Lieutenant-Governor may find convenient to insert therein, and the Lieutenant-Governor may, if he thinks fit, give to the Company, a corporate name different from the name proposed by the applicants in the published notice; and the objects of the Company as stated in the letters patent may vary from the objects stated in the said notice, provided the objects of the Company as stated in the letters patent, are of a similar character to those contained in the notice published as aforesaid. 40 V. 8, s. 62.

Name different from that proposed may be given without further notice.

10. Notice of the granting of the letters patent shall be forthwith given by the Provincial Secretary, in the *Ontario Gazette*, in the form of the Schedule A appended to this Act; and from the date of the letters patent the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein. 37 V. c. 35, s. 8.

Notice of issuing letters patent. Completion of incorporation.

11. In case it is made to appear that any Company is incorporated under a name the same as, or similar to, that of an existing Company, it shall be lawful for the Lieutenant-Governor in Council to direct the issue of supplementary letters patent reciting the former letters, and changing the name of the Company to some other name to be set forth in the supplementary letters patent; and no such alteration of name shall affect the rights or obligations of the Company; and all proceedings may be continued and commenced by or against the Company by its new name, that might have been continued or commenced by or against the Company by its former name.

Change of name and supplementary letters patent.

Compelling  
change of  
name.

2. The Court of Chancery may compel an application under this section whenever a Company improperly assumes the name of, or a name similar to, that of an existing Company. 37 V. c. 35, s. 9.

Change of  
name.  
37 V. c. 35 (0).

**12.** Where a Company heretofore incorporated under *The Ontario Joint Stock Companies Letters Patent Act 1874*, or incorporated under this Act is desirous of adopting another name, the Lieutenant-Governor in Council, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent reciting the former letters patent, and changing the name of the Company to some other name set forth in the supplementary letters patent. 38 V. c. 23, s. 5.

Certain infor-  
malities not to  
invalidate let-  
ters patent.

**13.** The provisions of this Act relating to matter preliminary to the issue of the letters patent shall be deemed directory only; and no letters patent issued under this Act shall be held void or voidable, on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of such letters patent. 38 V. c. 23, s. 3.

General cor-  
porate powers  
of such com-  
panies.

**14.** Every Company so incorporated may acquire, hold, alienate and convey real estate subject to any restrictions or conditions in the letters patent set forth, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for the Company under a trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite to the carrying on of its undertaking, as though the Company had been incorporated by a Special Act of the Legislature, making the Company a body politic and corporate, and embodying all the provisions of this Act, and of the letters patent. 37 V. c. 35, s. 10; 40 V. c. 8, s. 63.

Sub-division  
of shares.

**15.** The Directors of the Company, if they see fit at any time, may make a by-law sub-dividing the existing shares into shares of smaller amount. 37 V. c. 35, s. 11.

Increase of  
capital.

**16.** The Directors of the Company, if they see fit at any time, after the whole capital stock of the Company has been taken up and fifty per centum thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite for the due carrying out of the objects of the Company;

By-law for  
that purpose.

2. Such by-law shall declare the number and value of the shares of the new stock; and may prescribe the manner in which the same is to be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors. 37 V. c. 35, s. 12.



**17.** The Directors of the Company, if they see fit at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient for the due carrying out of the undertaking of the Company, and advisable. Reduction of capital.

2. Such by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof or the rule or rules by which the same is to be made. 37 V. c. 35, s. 13. By-law for that purpose.

3. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the Company, shall remain as though the capital had not been decreased. 37 V. c. 35, s. 14, (2.) Liability of shareholders on decrease.

4. But no by-law for increasing or decreasing the capital stock of the Company, or subdividing the shares, shall have any force or effect whatever, until after it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the Company duly called for considering the same, and afterwards confirmed by supplementary letters patent. 37 V. c. 35, s. 14, (1.) Such by-laws must be approved by shareholders and confirmed by supplementary letters patent.

**18.** At any time not more than six months after such sanction of such by-law, the Directors may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same. Petition for supplementary letters patent.

2. With such petition they shall produce such by-law, and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council, to report thereon the due passage and sanction of such by-law, and if the petition is in respect of increase or decrease of capital, the *bona fide* character of the increase or decrease of capital thereby provided for, and that notice of the application for supplementary letters patent has been inserted for one month in the *Ontario Gazette*. By-law, &c., to be produced with petition.

3. The Provincial Secretary, or such other officer, may for the purposes aforesaid take and keep of record any requisite evidence in writing, under oath or affirmation; and he, or any Justice of the Peace, or Commissioner for taking affidavits in the Superior Courts, may administer every requisite oath or affirmation. 37 V. c. 35, s. 15. Powers of officer charged to report on petition.

**19.** Upon due proof so made, the Lieutenant-Governor in Council may grant such supplementary letters patent under the Great Seal; and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, in the form of the Schedule B appended to this Act; and thereupon, from the date of the supplementary letters patent, the shares shall be subdivided, or the capital stock of the Company shall be and re- Granting of supplementary letters patent. Notice thereof. Effect of such letters patent.

main increased, or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had formed part of the stock of the Company originally subscribed. 37 V. c. 35, s. 16.

Powers by the letters patent to be subject to this Act.

**20.** All powers given to the Company by the letters patent and supplementary letters patent granted in its behalf, shall be exercised subject to the provisions and restrictions contained in this Act. 37 V. c. 35, s. 17.

Board of Directors.

**21.** The affairs of every such Company shall be managed by a Board of not less than three Directors. 39 V. c. 7, s. 25.

Provisional Directors.

**22.** The persons named as such, in the letters patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead. 37 V. c. 35, s. 19.

Qualifications of Directors.

**23.** No person shall be elected or appointed as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon. 37 V. c. 35, s. 20.

After Directors, to be elected.

**24.** The after Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at some place within this Province, at such times, in such wise, and for such term, not exceeding two years, as the letters patent, or (in default thereof) the by-laws of the Company may prescribe. 37 V. c. 35, s. 21.

Mode of election.

**25.** In default only of other express provisions in such behalf, by the letters patent or by-laws of the Company;

Yearly.

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election;

Notice.

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company;

Votes.

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy;

Ballot.

4. Elections of Directors shall be by ballot;

Vacancies.

5. Vacancies occurring in the Board of Directors may, unless the by-laws otherwise direct, be filled for the unexpired re-

mainder of the term, by the Board, from among the qualified shareholders of the Company ;

6. The Directors shall, from time to time, elect from among themselves, a President of the Company ; and shall also name, and may remove at pleasure, all other officers thereof. 37 V. c. 35, s. 22. President and Officers.

26. If at any time an election of Directors is not made, or does not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected. 37 V. c. 35, s. 23. Failure to elect Directors, how remedied.

27. A Company incorporated under this Act may by by-law increase or decrease the number of its Directors, or may change the Company's chief place of business in Ontario. Change in the number of Directors.

2. No by-law for either of the said purposes shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting duly called for considering the by-law, nor until a copy of such by-law has been certified under the seal of the Company to the Provincial Secretary, and also has been published in the *Ontario Gazette*. 38 V. c. 23, s. 2.

28. The Directors of the Company shall have full power in all things to administer the affairs of the Company ; and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into. 37 V. c. 35, s. 24, *part*. Powers and duties of Directors.

29. The Directors may, from time to time, make by-laws not contrary to law, or to the letters patent of the Company, or to this Act to regulate— By-laws

(a.) The allotment of stock ; the making of calls thereon ; the payment thereof ; the issue and registration of certificates of stock ; the forfeiture of stock for non-payment ; the disposal of forfeited stock and of the proceeds thereof ; the transfer of stock ; Stock.

(b.) The declaration and payment of dividends ; Dividends.

(c.) The number of the Directors, their term of service, the amount of their stock qualification ; Directors.

(d.) The appointment, functions, duties and removal of all agents, officers and servants of the Company ; the security to be given by them to the Company ; and their remuneration ; Officers.

(e.) The time at which, and place where the annual meetings of the Company shall be held ; the calling of meetings, regular Meetings.

and special, of the Board of Directors, and of the Company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings;

Fines.

(f.) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and

Conduct of affairs generally.

(g.) The conduct in all other particulars of the affairs of the Company;

Confirmation of by-laws.

and may, from time to time, repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company; and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force, until confirmed at a general meeting of the Company. 37 V. c. 35, s. 24, *part*.

Power to issue bonds, debentures, and

**30.** In case a by-law, authorizing the same, is sanctioned by a vote of not less than two-thirds in value, of the said shareholders, then present in person or by proxy, at a general meeting duly called for considering the by-law, the Directors may borrow money upon the credit of the Company, and issue the bonds, debentures, or other securities of the Company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or be necessary; but no such debentures shall be for a less sum than one hundred dollars;

to grant mortgages.

2. The Directors may, under the like sanction, hypothecate, mortgage, or pledge the real or personal property of the Company, to secure any sum or sums borrowed for the purposes thereof. 37 V. c. 35, s. 25.

Special meetings.

**31.** One fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect. 37 V. c. 35, s. 24, *part*.

Evidence of by-laws.

**32.** A copy of any by-law of the Company, under its seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity in Ontario. 37 V. c. 35, s. 26.

Stock, personal estate.

**33.** The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the letters patent or by-laws of the Company, may be prescribed 37 V. c. 35, s. 27.



**34.** If the letters patent make no other definite provision, <sup>Allotment of stock.</sup> the stock of the Company, so far as it is not allotted thereby, shall be allotted when and as the Directors, by by-law or otherwise, ordain. 37 V. c. 35, s. 28.

**35.** No by-law for the allotment or sale of stock at any greater discount or at any less premium than what has been previously authorized at a general meeting, or for the payment of the President or any Director, shall be valid or acted upon until the same has been confirmed at a general meeting. <sup>Disposal of stock.</sup> <sup>Payment to President or Director.</sup> 37 V. c. 35, s. 24, *part*.

**36.** The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the letters patent, or this Act, or the by-laws of the Company require or allow; and interest shall accrue and fall due, at the legal rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. <sup>Calling in instalments.</sup> 37 V. c. 35, s. 29.

**37.** Not less than ten per centum upon the allotted stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; the residue, when and as the by-laws of the Company direct. <sup>Calls.</sup> <sup>Ten per cent. within first year.</sup> 37 V. c. 35, s. 30.

**38.** The Company may enforce payment of all calls and interest thereon, by action in any Court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the Company under this Act; and a certificate under the seal, and purporting to be signed by any officer, of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect. <sup>Enforcement of payment of calls, by action.</sup> 37 V. c. 35, s. 31.

**39.** If after such demand or notice as by the letters patent or by-laws of the Company is prescribed, any call made upon any share or shares is not paid within such time as by such letters patent or by-laws may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by by-laws or otherwise the Company may ordain. <sup>Forfeiture of shares.</sup> 37 V. c. 35, s. 32.

Restriction as to transfers. **40.** No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. 37 V. c. 35, s. 33.

Shareholders in arrears not to vote. **41.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company. 37 V. c. 35, s. 34.

Record books to be kept and what to contain. **42.** The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded—

(a.) A copy of the letters patent incorporating the Company, and of any supplementary letters patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof;

(b.) The names, alphabetically arranged, of all persons who are or have been shareholders;

(c.) The address and calling of every such person while such shareholder;

(d.) The number of shares of stock held by each shareholder;

(e.) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

(f.) All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and

(g.) The names, addresses and calling of all persons who are or have been Directors of the Company; with the several dates at which each person became or ceased to be such Director. 37 V. c. 35, s. 35.

Refusal to enter transfer if calls not paid. **43.** The Directors may refuse to allow the entry, into any such book, of any transfer of stock whereon any call has been made which has not been paid in. 37 V. c. 35, s. 36.

Transfer valid only after entry. **44.** No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors, until the entry thereof has been duly made in such book or books. 37 V. c. 35, s. 37.

Books to be open for inspection. **45.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative, may make extracts therefrom. 37 V. c. 35, s. 38.

**46.** Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder. 37 V. c. 35, s. 39.

Books to be  
*prima facie*  
evidence.

**47.** No Director, officer or servant of the Company, shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein; and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. 37 V. c. 35, s. 40.

Penalty for  
false entries.

**48.** Any Director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of one hundred dollars; and in case the amount is not paid within seven days after the recovery of judgment, the Court in which the judgment is recovered, or a Judge thereof, may direct the imprisonment of the offender for any period not exceeding three months, unless the amount with costs is sooner paid. 37 V. c. 35, s. 41.

Liability for  
refusal to  
allow inspection  
of books.

**49.** Every Company incorporated under this Act shall on or before the first day of February, in every year, make a list in triplicate (verified as is hereinafter required) of all persons who on the thirty-first day of December previously, were shareholders of the Company; and such list shall state the names alphabetically arranged, and the addresses and callings of all such persons, the amount of stock held by them, and the amount unpaid thereon; and shall also make out a summary, verified as hereinafter required, of the state of the affairs of the Company, on the thirty-first day of December preceding.

Lists of share-  
holders and  
statements of  
affairs to be  
made yearly,  
with other  
particulars.

2. Such summary shall contain the following particulars:

Contents of  
statement.

*Firstly,* The names and residences and post office addresses of the Directors, Secretary, and Treasurer of the Company;

*Secondly,* The amount of the capital of the Company and the number of shares into which it is divided;

*Thirdly,* The number of shares taken from the commencement of the Company up to the thirty-first day of December preceding the date of the summary:

*Fourthly,* The amount of stock (if any) issued free from call; if none is so issued, this fact to be stated;

*Fifthly,* The amount issued subject to call;

*Sixthly,* The amount of calls made on each share;

*Seventhly*, The total amount of calls received ;

*Eighthly*, The total amount of calls unpaid ;

*Ninthly*, The total amount of shares forfeited ;

*Tenthly*, The total amount of shares which have never been allotted or taken up ;

*Eleventhly*, The total amount for which shareholders of the Company are liable in respect of unpaid stock held by them ;

*Twelfthly*, The said summary may also, after giving the information hereinbefore required, give in a concise form, such further information respecting the affairs of the Company, as the Directors may consider expedient.

Mode of  
writing the  
same.

3. The said list and summary, and every duplicate thereof required by this Act, shall be written or printed on only one side of the sheet or sheets of paper containing the same.

Verification  
thereof.

4. The said list and summary shall be verified by the affidavit of the President and Secretary, and if there are no such officers, or they, or either of them are or is at the proper time, out of this Province, or otherwise unable to make the same, by the affidavit of the President or Secretary and one of the Directors, or two of the Directors, as the case may require ; and if the President or Secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit.

Posting there-  
of.

5. One of the duplicate lists and summaries, with the affidavit of verification, shall be posted in the head office of the Company in Ontario, on or before the second day of February ; and the Company shall keep the same so posted, until another list and summary are posted under the provisions of this Act ; and the other two triplicate lists and summaries of verification shall be deposited with the Provincial Secretary, on or before the eighth day of February next after the time hereinbefore fixed for making the summary.

Deposit with  
Provincial  
Secretary.

Penalty for  
default.

6. If any Company makes default in complying with the provisions of this section, such Company shall incur a penalty of twenty dollars for every day during which such default continues, and every Director, Manager or Secretary of the Company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty. 37 V. c. 35, s. 42.

Company not  
to be liable in  
respect of  
trusts, &c.

**50.** The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share ; and the receipt of the shareholder in whose name the same stands in the books of the Company, shall be a valid and binding discharge to the Company for any dividend



or money payable in respect of such share, whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt. 37 V. c. 35, s. 43.

**51.** Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor. Contracts, &c. when to be binding on company.

2. Nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of Banking or Insurance. 37 V. c. 35, s. 44. Proviso as to notes, banking and insurance.

**52.** No Company shall use any of its funds in the purchase of stock in any other corporation, unless expressly authorized by by-law confirmed at a general meeting. 37 V. c. 35, s. 45. Not to purchase stock in other corporations.

**53.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall, subject to the provisions of the next section, be the amount recoverable with costs, against such shareholders. Liability of shareholders.

2. Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the Company, except a claim for unpaid dividends, or a salary, or allowance as a President or Director. 37 V. c. 35, s. 46.

**54.** The shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the unpaid amount of their respective shares in the capital stock thereof. 37 V. c. 35, s. 47. limited to amount of stock.

Trustees &c.,  
not personally  
liable.

**55.** No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. 37 V. c. 35, s. 48.

Mortgagees

Trustee, etc.,  
may vote.

**56.** Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. 37 V. c. 35, s. 49.

Mortgagor of  
stock may  
vote.

Liability of  
Directors de-  
claring a divi-  
dend when  
Company is  
insolvent, &c.

**57.** The Directors of the Company shall not declare or pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, but if any Director present when such dividend is declared, forthwith, or if any Director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the Board of Directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published at or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from liability. 37 V. c. 35, s. 50.

How a Direc-  
tor may avoid  
such liability.

No loan by  
Company to  
shareholder.

**58.** No loan shall be made by the Company to any shareholder, and if such is made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, and also to third parties, to the extent of such loan with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof: But this section shall not apply to a Building Society, or to a Company incorporated for the loan of money, in any manner to which the authority of this Legislature, or the meaning of this Act applies. 37 V. c. 35, s. 51.

Except in cer-  
tain cases.

Liability of  
Directors for  
wages.

**59.** The Directors of the Company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the Company while they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one

year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors. 37 V. c. 35, s. 52.

**60.** Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company has no known office or chief place of business, and has no known President or Secretary, then upon return to that fact duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company. 37 V. c. 35, s. 53.

Service of process on the Company.

**61.** Any description of action may be prosecuted and maintained between the Company and any shareholder thereof. 37 V. c. 35, s. 54.

Actions between Company and shareholders.

**62.** In an action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent, or of letters patent and supplementary letters patent, as the case may be, under this Act; and the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. 37 V. c. 35, s. 55.

Mode of incorporation, &c., how to be set forth in legal proceedings.

**63.** The charter of the Company shall be forfeited by nonuser during three consecutive years at any one time, or if the Company does not go into actual operation within three years after it is granted: and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such charter. 37 V. c. 35, s. 56.

Forfeiture of charter for non-user.

**64.** The Lieutenant-Governor in Council may from time to time establish, alter, and regulate the tariff of the fees to be paid on applications for letters patent and supplementary letters patent under this Act; may designate the Department or Departments through which the issue thereof shall take place; and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act.

Fees on letters patent, &c., to be fixed by Order in Council.

2. Such fees may be made to vary in amount, under any rule or rules—as to nature of Company, amount of capital, and otherwise—that may be deemed expedient.

3. No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent under this Act, until after all fees therefor have been duly paid. 37 V. c. 35, s. 58.

Subsisting  
companies may  
apply under  
this Act.

**65.** Any Company for purposes or objects within the scope of this Act, heretofore incorporated, whether under a Special or a General Act, and now being a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Ontario Gazette*, may direct the issue of letters patent incorporating the shareholders of the said Company as a Company under this Act, and thereupon all the rights or obligations of the former Company shall be transferred to the new Company, and all proceedings may be continued and commenced by or against the new Company, that might have been continued or commenced by or against the old Company, and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the issue of the letters patent, the Company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old Company shall remain as at the time of the issue of the letters patent. 37 V. c. 35, s. 60.

Subsisting  
companies  
may apply for  
letters patent  
with extended  
powers.

**66.** Where a subsisting Company applies for the issue of letters patent under the provisions of the preceding section, the Lieutenant-Governor may by the letters patent extend the powers of the Company to such other objects within the scope of this Act as the applicants desire, and as the Lieutenant-Governor thinks fit to include in the letters patent, and may by the said letters patent name the first Directors of the new Company, and the letters patent may be to the new Company by the name of the old Company or by any other name. 38 V. c. 23, s. 1.

Proofs may be  
by affidavit.

**67.** Proof of any matter which may be necessary to be made under this Act, may be made by affidavit before any Justice of the Peace or Commissioner for taking affidavits, who are hereby authorized and empowered to administer oaths for that purpose. 37 V. c. 35, s. 62.

Winding-up  
Acts to apply

**68.** The Company shall be subject to the provisions of any Act of the Legislature for the winding up of Joint Stock Companies. 37 V. c. 35, s. 63.

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## SCHEDULE "A."

(Section 10.)

## NOTICE OF GRANTING LETTERS PATENT.

Public notice is hereby given, that under "*The Ontario Joint Stock Companies' Letters Patent Act*," Letters Patent have been issued under the Great Seal of the Province of Ontario, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ incorporating [here state names, address and calling of each corporation named in the Letters Patent], for the purpose of [here state the undertaking of the Company, as set forth in the Letters Patent] by the name of [here state the name of the Company in the Letters Patent]. with a total capital stock of \_\_\_\_\_ dollars, divided into \_\_\_\_\_ shares of \_\_\_\_\_ dollars each.

Dated at the office of the Provincial Secretary of Ontario, this \_\_\_\_\_ day of \_\_\_\_\_

A. B.,  
Provincial Secretary.

## SCHEDULE "B."

(Section 19.)

## NOTICE OF GRANTING SUPPLEMENTARY LETTERS PATENT.

Public notice is hereby given, that under "*The Ontario Joint Stock Companies' Letters Patent Act*," Supplementary Letters Patent have been this day issued under the Great Seal of the Province of Ontario, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ whereby the total capital stock of [here state the name of the Company] is increased [or decreased, as the case may be] from \_\_\_\_\_ dollars to \_\_\_\_\_ dollars, [or whereby the capital stock of the Company of \_\_\_\_\_ shares of \_\_\_\_\_ dollars each is subdivided into \_\_\_\_\_ shares of \_\_\_\_\_ dollars each.]

Dated at the office of the Provincial Secretary of Ontario, this \_\_\_\_\_ day of \_\_\_\_\_

A. B.,  
Provincial Secretary.

## CHAPTER 151.

## An Act respecting Telegraph Companies.

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Powers for constructing lines ss. 1, 2.	Assumption of lines by Government,
Duties in transmitting despatches,	ss. 5-7.
s. 3.	Municipal Corporations may take
Certain messages entitled to precedence, s. 4.	stock in Telegraph Cos., s. 8.
	Offences and penalties.

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Powers for the construction of the line.

C. S. C. c. 67.

**1.** Every Telegraph Association or Company, subject to the legislative authority of this Province, and incorporated under chapter sixty-seven of the Consolidated Statutes of Canada, or under any General Act passed subsequently thereto or hereafter passed authorizing the incorporation of such Companies, may construct the lines of Telegraph designated in its instrument of incorporation upon any lands purchased by the Company, or the right to carry its line over which has been conceded to it by the parties having a right to make such concession, and along and upon any of the public roads and highways, or across any of the waters within this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same are not so constructed as to incommode the public use of such roads or highways, or to impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters. C. S. C. c. 67, s. 8.

Co. not to build bridge over navigable water.

**2.** Nothing herein contained shall confer on any such Association or Company the right of building a bridge over any navigable water. C. S. C. c. 67, s. 9.

Duties of Company in transmitting despatches.

**3.** The owner of, or the Company owning any Telegraph Line in operation, on the tenth day of November, one thousand eight hundred and fifty-two, or since that day shall, except in cases provided for in the next section, transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor more than one hundred dollars, to be recovered, with costs of suit, by the person or

persons whose despatch has been postponed out of its order.  
C. S. C. c. 67, s. 14.

4. Any message in relation to the administration of justice, arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by persons connected with the administration of justice, or any person thereunto authorized by the Provincial Secretary. C. S. C. c. 67, s. 15.

What messages entitled to preference.

5. Her Majesty may at any time, assume and for any length of time retain possession of any such Telegraph Line and of all things necessary to the sufficient working thereof, and may for the same time require the exclusive service of the Operators and other persons employed in working such line, and the Company shall give up possession thereof, and the Operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they may be required to receive and transmit by any duly authorized officer of the Provincial Government, under a penalty not exceeding one hundred dollars for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs, in any way in which debts of like amount are recoverable by the Crown. C. S. C. c. 67, s. 17.

Government may assume the same temporarily

6. Her Majesty may, at any time after the commencement of a Telegraph Line under this Act, and after two months' notice to the Company, assume the possession and property thereof, and upon such assumption, such line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the Company, as regards such Line, shall be vested in the Crown. C. S. C. c. 67, s. 18.

Her Majesty may assume the property of the line.

7. If any difference arises between the Company and those who act for the Crown, as to the compensation which ought to be paid to the Company for any Telegraph Line and appurtenances taken under the sixth section of this Act, or for the temporary exclusive use thereof under the fifth section, such difference shall be referred to three Arbitrators, one to be appointed on the part of the Crown, another by the Company, and the third by the two so appointed Arbitrators, and the award of any two of the said Arbitrators shall be final; and in case of refusal or neglect by the Company to appoint an Arbitrator on their behalf, or if the two Arbitrators cannot agree upon a third Arbitrator, then such Arbitrator shall be appointed by any two Judges of the Queen's Bench or Common Pleas, on application on the part of the Crown. C. S. C. c. 67, s. 19.

Mode of settling the compensation in case of difference of opinion.

Municipal Corporation and Joint Stock Companies may take stock in Telegraph Companies.

8. Any Municipal Corporation in this Province, or any Joint Stock Company incorporated under any Act of the late Province of Canada or of this Province, may subscribe for and hold stock in any Telegraph Company incorporated under chapter sixty-seven of the Consolidated Statutes of Canada, or any General Act passed subsequently thereto or hereafter passed authorizing the incorporation of such Companies, and may pay the amount of such subscription out of any municipal or other funds not specially appropriated to any other purpose, and such Municipal Corporation may levy money by rate, for paying any such subscription; and shall have such rights as a member of the Company, and shall vote upon the stock held by it in such manner and by the intervention of such person or officer, as may be determined by the instrument of incorporation of the Company. C. S. C. c. 67, s. 20.

*[Sections 16 and 21-23 of C. S. C. c. 67, are as follows:—*

Penalty on operator divulging secrets.

16. Any Operator of a Telegraph Line, or any person employed by a Telegraph Company, divulging the contents of a private despatch, shall be guilty of a misdemeanor, and on conviction, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a period not exceeding three months, or both, in the discretion of the Court before which the conviction is had. 16 V. c. 10, s. 11.

Penalty for malicious or other injuries to Telegraph works.

21. Any person who wilfully and maliciously cuts, breaks, molests, injures, or destroys any instrument, cap, wire, post, line, pier or abutment, or the materials or property belonging thereto, or any other erection used for or by any line of electro-magnetic telegraph in operation in this Province under any Act in force herein, or wilfully and maliciously in any way obstructs, disturbs or impedes the action, operation, or working of any such line of Telegraph, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding forty dollars, or imprisonment not exceeding one month, or both, at the discretion of the Court, before which the conviction is had. 16 V. c. 10, s. 6; 13, 14 V. c. 31.

Jurisdiction of Justices of the Peace.

22. The jurisdiction over all offences against this Act shall be in any Justice of the Peace in any Parish, Village, City, Town, or County where the offence has been committed, or in which the offender may be found, and the proceedings thereon shall be summary.

How penalties shall be enforced if not paid.

23. The fine imposed may, if not forthwith paid, be levied, with all costs of the prosecution, by warrant of distress against and by sale of the goods and chattels of the offender, or such offender may (in the discretion of the Magistrate) whether imprisonment be or be not part of the sentence, be imprisoned for a period not exceeding thirty days in addition to and after the expiration of any other imprisonment making part of his sentence, unless such fine and all such expenses incurred in the prosecution be sooner paid; and all such fines, when collected, shall belong to the party aggrieved by and complaining of the offence, and be paid over to such party. 13, 14 V. c. 31.]



## CHAPTER 152.

## An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.

Short title, s. 1.	Time for completion of Roads, ss. 78, 79.
Act to apply to existing Companies, s. 2.	Abandonment of Roads, ss. 80, 81.
Companies for the Construction of Roads :	Tolls, ss. 82-97.
Incorporation, ss. 3-6.	Exemption from Toll, s. 94.
Restrictions on right to construct Road, ss. 7-14.	Repair of Roads, ss. 98-122.
Power to take lands and materials, and arbitration proceedings to ascertain amount of compensation to owners, ss. 15-29.	Sale of Roads under Execution, ss. 123-127.
Increase of capital of Company, ss. 30-33.	Offences and penalties, ss. 128-144.
Directors, ss. 34-42.	Miscellaneous :
Shares, amount and transfer, s. 43.	Certain informalities cured in incorporation of former Companies, s. 145.
Calls on stock, ss. 44-55.	Annual Report of Road Companies to County Council, s. 146.
Companies for Purchasing Roads :	Books to be kept by Company, s. 147.
Incorporation, ss. 56, 57.	Open to inspection of the Municipality, s. 148, 149.
Powers, ss. 58, 59.	After 21 years the Municipality may purchase the stock of the Company, s. 150, 151.
Union of Companies, ss. 60-62.	Certain sections to apply to all Road Companies under former Acts, s. 152.
Sale of Roads, ss. 63-65.	Certain sections to apply to all Road Companies having a special character, s. 152 (2).
Powers of Municipal Councils, ss. 66-72.	
Materials for construction of Roads, ss. 73-77.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The General Road Companies Act*." Short title.

2. All Companies incorporated for such purposes as are in this Act mentioned, under any former General Acts relating to Joint Stock Road Companies, before this Act takes effect, shall subsist and continue, notwithstanding the repeal of such Acts, and such Companies shall be subject to, and may avail themselves of the provisions of this Act, and in all cases of doubt or ambiguity this Act shall be deemed and taken to be declaratory of the meaning of the said Acts. C. S. U. C. c. 49, s. 1.

Existing Companies continued—how this Act shall apply to them.

## COMPANIES FOR CONSTRUCTION OF ROADS.

Five persons may form a Company for the construction of plank and other roads.

**3.** Any number of persons not less than five may form themselves into a Company for the purpose of constructing and may construct in, along, or over any public road or highway, or allowance for road, or on, along, or over any other land, a plank, macadamized or gravelled road, not less than two miles in length, and also any bridges, piers or wharves, connected therewith. C. S. U. C. c. 49, s. 3.

No Company to be formed

**4.** No such Company shall be incorporated under this Act :

Until a sufficient sum subscribed,

1. Until the shareholders have subscribed for stock an amount sufficient in their judgment to construct the entire work ;

And an instrument executed.

2. Nor until they have executed an instrument according to the form or to the purport of Schedule A to this Act ;

And six per cent. of capital be paid and instrument registered.

3. Nor until the Company, or some one of their number, or the Directors named in the said instrument, have paid to the Treasurer of the Company six per cent. upon the amount of the capital stock mentioned in such instrument, and have registered such instrument, with a receipt from the Treasurer of the Company for such payment or instalment, by leaving the original instrument and receipt with the Registrar of any one County or other Registration Division in which such road or other work connected therewith is wholly or partly situated or intended to be made. C. S. U. C. c. 49, s. 13.

Registration of instrument of association, and receipt how made.

**5.** Such Registrar shall register the said instrument and receipt in a registry book to be provided by each Registrar for that purpose (for which registration he shall be entitled to a fee of fifty cents), and he shall afterwards retain the original documents in his custody, and shall produce the same upon all occasions when legally required to do so by the Directors or Treasurer of the Company, or otherwise. C. S. U. C. c. 49, s. 14.

General corporate powers of Company so formed.

**6** When the provisions expressed in the two last sections have been complied with, the Company shall be a chartered and incorporated Company, by the name designated in the instrument registered as aforesaid ; and may by their corporate name purchase, hold and convey any lands, tenements and hereditaments, useful and necessary for the purposes of such Corporation. C. S. U. C. c. 49, s. 15.

As to taking property.

**7.** No such Company shall construct any such road or other works through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or occupier thereof, or of the Crown, with the approval of the Lieutenant-Governor in Council, so to do, except as hereinafter provided. C. S. U. C. c. 49, s. 4.]

**8.** No such road shall be constructed or pass within the limits of any City, or of any incorporated Town or Village, except by permission, under a by-law of the City, Town or Village, passed for that purpose. C. S. U. C. c. 49, s. 6.

When municipal by-law necessary.

**9.** All bridges in the line of road between the termini of any such road, which are not within the limits of any City, incorporated Town or Village, shall be deemed part of such road, unless specially excepted in the instrument of association of the Company. C. S. U. C. c. 49, s. 7.

Bridges when part of the road.

**10.** No such road shall be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the County Engineer of the County where the road or other work is situated or constructed, and if there be no such officer, then of some competent Engineer appointed by the County Council for that purpose. C. S. U. C. c. 49, s. 8.

Highest grade.

**11.** In case under any statute passed before this Act takes effect any Company has been formed to construct any roads or bridges, piers or wharves, connected therewith as aforesaid, and the stock of such Company has been subscribed, and the work in course of completion within the time limited by the statute under which the charter was obtained, no Company shall be formed under this Act to construct any line of road for which such prior charter was so obtained, so long as such charter remains in force. C. S. U. C. c. 49, s. 9.

As to line for which other Companies have been chartered.

**12.** No Company formed under this Act shall commence any work until thirty days after the Directors have served a written notice upon the Head of the Municipality in the jurisdiction of which such road or other work connected therewith is intended to pass or to be constructed; and if the Municipal Council of such locality passes a by-law prohibiting, varying or altering any such intended line of road, or the plan of any such other work, such by-law shall have the same force and effect, and be as obligatory upon all persons, and upon any such Company, if the Company proceeds in the construction of the road or other works, as if the provisions thereof had been inserted in the body of this Act. C. S. U. C. c. 49, s. 10.

'Thirty days' notice to be served on the Head of the Municipality, prior to any Company commencing any work.

**13.** If no such by-law is passed within thirty days after service of such notice upon the Head of the Municipality, then the Company may proceed with the intended road or other work without being liable to any interruption or opposition from any source whatever. C. S. U. C. c. 49, s. 11.

If no by-law passed within thirty days, Company may proceed.

**14.** Where any new road has been opened, or the line of an old road has been changed, the Municipality having jurisdiction as aforesaid may pass a by-law permitting or directing the old road, or part of a road, to be closed up and embraced within the enclosure of the person from whom ground was taken to form

When old road may be closed up by by-law.

such new road, provided it does not exclude any person-residing on or near the line of the old road from a convenient access to the new road. C. S. U. C. c. 49, s. 12.

Powers of Company to explore the country and to take land and material

**15.** Any Company formed under this Act, or any other Company heretofore chartered under any Act of the Legislature of the late Province of Canada or of this Province for a like purpose, may explore the country lying between the termini of any road, or supposed to be adapted for the site of any other work connected with such road as aforesaid, and may designate, take and hold the requisite lands upon the line and within the limits of any such road, or for any such other work according to the provisions hereinafter contained, and may take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and also may cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses as may be necessary for effectually draining or carrying off the water from any such road or other work. C. S. U. C. c. 49, s. 16.

Drainage.

Cutting down timber.

**16.** Wherever any such road passes through or by any wood or standing timber, such Company may cut down the trees and underwood for one hundred feet on each side of the road, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the Company and their agents, servants and workmen, may enter into and upon the lands of any person, doing no unnecessary damage. C. S. U. C. c. 49, s. 17.

Entry on lands

In case owner of property refuses to take compensation from the Company, Arbitrators to be appointed.

**17.** If the owner or occupier of any land over, through or upon which the Company desire to construct any such road or other work connected therewith, or from which they desire to take materials, or upon which they intend to exercise any of the powers given to them by this Act, neglects or refuses, upon demand made by the Directors in that behalf, to agree with them upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to and for the uses of the Company, or for materials taken, or for the exercise of any such power as aforesaid, the Company may name one Arbitrator, and the owner or occupier of such land may name another, and the said two Arbitrators may name a third, and the said three Arbitrators shall determine the amount which the Company shall pay to such owner or occupier before taking possession of such land, or taking materials therefrom, or exercising such power as aforesaid. C. S. U. C. c. 49, s. 18.

If the party neglects to name an Arbitrator, or Arbitrators cannot agree on a third.

**18.** If any such owner or occupier neglects to name an Arbitrator for the space of twenty days after having been required so to do by the Company, or if the said two Arbitrators do not, within the space of twenty days after their appointment, name such third Arbitrator, or if any Arbitrator appointed as herein provided refuses or neglects, within the space of ten



days after his appointment, to take upon him the duties hereby imposed, then, upon the application of the Company, or of the said owner or occupier, the Judge of the County Court of the County within which the land lies may nominate any disinterested competent person, from any Township adjoining the Township in which such land lies, to act as an Arbitrator for the person so neglecting to name an Arbitrator, or to act in the place of the Arbitrator so refusing or neglecting as aforesaid, and any award made by a majority of the said Arbitrators shall be as binding as if the three Arbitrators concurred in and made the same. C. S. U. C. c. 49, s. 19.

County Judge to appoint.

**19.** In ascertaining the amount of compensation, the Arbitrators shall have due regard to the benefits to accrue to such owner or occupier by the construction of the said road or other work. C. S. U. C. c. 49, s. 20.

Regard to be had to benefits to accrue to owner.

**20.** Upon the amount of the compensation to be paid being determined by the award of the Arbitrators, the Company may tender the amount to the owner or occupier, and he shall thereupon execute a conveyance of the land to the Company, or such other document as may be requisite. C. S. U. C. c. 49, s. 21.

When determined, the Company may tender the amount.

**21.** The Company may after such tender, and whether a conveyance or other document be executed or not, enter upon and take possession of such land for the use of the Company, and hold the same, or exercise such power as aforesaid in like manner as if the conveyance thereof or other document had been executed. C. S. U. C. c. 49, s. 22.

After which the Company may enter and possess.

**22.** No road or other such work shall encroach upon any building or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any enclosed land, without the consent of the owner. C. S. U. C. c. 49, s. 23.

As to gardens, orchards, &c.

**23.** After a survey of a road has been made, the owner or occupier of land through or along which the road is intended to pass shall not, by erecting any building or enclosing any part of such surveyed land as a yard, or by planting fruit trees or forming an orchard thereon, prevent the Company taking possession of such land. C. S. U. C. c. 49, s. 24.

Owner not to enclose, &c., in order to evade this Act.

**24.** In case any lands required by the Company for the purpose of a road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any persons, bodies politic, corporate or collegiate, whose residence is not within this Province or is unknown to the Company, or in case the titles to any such lands are in dispute, or such lands have been mortgaged, or in case the owners of such lands

How Arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, &c.

are unknown or unable to treat with the Company for the sale thereof, or for the exercise of any such power by the Company, or to appoint Arbitrators, as aforesaid, or in case the owners of such lands are under age, the Company may name one disinterested competent person, and the Judge of the County Court of the County within which such lands lie, on the application of the said Company, may name another person, from any Township adjoining the Township in which such lands lie, which persons, together with one other such person to be chosen by them, before proceeding to arbitrate, or (in the event of their disagreeing as to the choice of such other person) to be chosen by such Judge, shall be Arbitrators to determine what amount the Company shall pay for such lands, or for damages, and by whom the costs of the arbitration shall be paid, and the decision of a majority of such Arbitrators shall be binding. C. S. U. C. c. 49, s. 25 ; 29 V. c. 36, s. 2.

A record of the award to be registered.

**25.** A record shall be made and signed by the said Arbitrators, or a majority of them, specifying the amount awarded and the costs; and the record shall be deposited in the Registry Office of the County or other Registration Division in or along which the lands are situated, and the Company may thereupon enter upon and take possession of such lands for the use of the Company, and proceed with the construction of their road or other work in, along or over the same. C. S. U. C. c. 49, s. 26.

If the Company have previously offered a sum.

**26.** In any case of arbitration under this Act, if the Company, before the appointment of their Arbitrator, tendered a sum equal to or greater than that awarded by the Arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the Company from the amount of the award, before payment thereof, and in case such tender is proved to the satisfaction of the Arbitrators, they shall state the fact and the amount thereof in their award. C. S. U. C. c. 49, s. 27.

Award to be paid on demand.

**27.** The Company shall on demand pay to the several parties entitled to the same the amount so awarded, and in the case of persons under age the amount shall be paid to their guardian, or in case none has been appointed the same shall remain a charge against the Company, to be paid over when such infancy ceases. C. S. U. C. c. 49, s. 28; 29 V. c. 36, s. 3.

Meetings and proceedings of the Arbitrators.

**28.** In every case of arbitration under this Act, the Arbitrators appointed shall fix a convenient day for hearing the respective parties, and shall give them eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter brought before them, the Arbitrators or a majority of them shall, within thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount in dispute. C. S. U. C. c. 49, s. 30.

**29.** All lands taken by any such Company, for the purpose of any road or other work as aforesaid, and purchased and paid for by the Company in the manner hereinbefore provided, shall become the property of the Company, free from all mortgages, incumbrances and other charges. C. S. U. C. c. 49, s. 31. Lands taken to be free of incumbrances.

**30.** So often after the formation of any such Company as the Directors are of opinion that it is desirable to widen, extend or alter the projected line of road or to construct any side road to intersect the original main road, or to improve or repair any road or part thereof by substituting stone, gravel, plank or other suitable material, or that the original capital subscribed is not sufficient to complete the work, the Directors may, from time to time, by one or more resolutions passed by them for these purposes or any of them, widen, extend or alter the proper line of road, authorize the construction of such side roads and the making of such improvements and repairs, and the increase of the capital stock of such Company. 29 V. c. 36, s. 4. If the Directors wish to improve the road, &c., and to increase the capital.

**31.** A copy of such resolutions, certified under the hand of the President and sealed with the seal of the Company, shall be delivered to the Registrar having the custody of the original instrument and resolutions (if any) already passed for similar purposes, who shall attach the same to such original instrument, and note thereon the time of the day and the day of the month and year of the receipt of the same; and the said Company shall thereupon, but subject to the acquired rights of any other Company then incorporated under this or any other Act, be subject to all such liabilities, and entitled to all such rights, powers and privileges, in respect to the widening, extension and alteration of the said road as upon the incorporation thereof they were subject and entitled to in respect to the first line of road. 29 V. c. 36, s. 4. Resolutions to that effect to be transmitted to the Registrar, &c.

**32.** Such resolutions, if for the increase of the capital stock of such Company, shall declare the manner in which the same is to be increased, and the same may be increased by the issue of debentures signed by the President and countersigned by the Treasurer, bearing interest at the legal rate for the time being, or without interest, which debentures may be sold on such terms as the said Directors think fit to accept, for sums not less in amount than one hundred dollars each, and not exceeding in the whole, including those, if any, already issued, one-half of the paid-up share capital at the time of issuing the same, and by borrowing upon security of the Company, by bond or mortgage of the road and tolls to be collected thereon, and by authorizing the issuing of an additional number of shares, preferential or otherwise, or by any or either of these methods as to the said Directors seems meet. 29 V. c. 36, s. 4. What the resolutions must provide for.

**33.** Such additional shares or stock may be called in, demanded and recovered, in the same manner and under the same Stock may be called in.

penalties as provided or authorized in respect of the original shares or stock of the Company. C. S. U. C. c. 49, s. 35.

Affairs of the Company to be managed by five Directors.

**34.** The affairs, stock, property and concerns of any Company formed as hereinbefore mentioned or provided, shall for the first year be managed and conducted by five Directors, who shall be named in the instrument registered, and thereafter the shareholders shall, annually, on the second Monday of December, elect five Directors according to the provisions of a by-law to be passed by the Directors for that purpose. C. S. U. C. c. 49, s. 37.

Provisions of by-laws touching their election.

**35.** Every such by-law shall regulate—

1. The manner of voting ;

2. The place and hour of meeting for the election ; and

3. Any other matters, except the day of election, which the Directors deem necessary in order to carry out the provisions of this section. C. S. U. C. c. 49, s. 38.

Notice of by-law to be published.

**36.** Every such by-law shall, for three successive weeks, be inserted in the newspaper, or one of the newspapers published nearest the place where the Directors usually meet for conducting the business of the Company, and the Directors may alter, change or amend such by-law, and shall publish the same in the manner above provided. C. S. U. C. c. 49, s. 39, *part*.

Any shareholder not in arrears may be a Director.

**37.** Any shareholder who has paid all calls made, shall be eligible as a Director. C. S. U. C. c. 49, s. 42.

One vote for each share.

**38.** At any election of Directors, each shareholder shall be entitled to one vote for every share of stock he holds in the Company, and in respect of which he is not in arrear for any call thereon. C. S. U. C. c. 49, s. 41.

As to failure to elect Directors at annual election.

**39.** If the annual election of Directors does not take place at the time appointed, the Directors for the last preceding year shall continue to serve until another election of Directors is held, and such other election shall be held at such time within one month after the appointed time as may be provided for by a by-law passed for that purpose. C. S. U. C. c. 49, s. 40.

Quorum.

**40.** A majority of such Directors shall be a *quorum* for the transaction of business. C. S. U. C. c. 49, s. 39, *part*.

A President, officers and servants to be appointed.

**41.** The Directors may elect one of their number to be President, and may appoint such officers and servants as they deem necessary ; and in their discretion may take security from such officers and servants for the due performance of their duties, and that they will duly account for all moneys coming into their hands for the use of the Company. C. S. U. C. c. 49, s. 43.



**42.** If any vacancy happens amongst the Directors during the year for which they have been appointed, such vacancy shall be filled for the remainder of the year by a shareholder, who shall be nominated by a majority of the remaining Directors, unless some by-law or regulation of the Company otherwise provides. C. S. U. C. c. 49, s. 44.

Vacancies occurring among Directors how to be filled up.

**43.** Each share in any such Company shall be twenty dollars, and shall be personal property, and be transferable upon the books of the Company, in the manner provided by any by-law made by the Directors in that behalf. C. S. U. C. c. 49, s. 36.

Shares \$20 each, how transferable.

**44.** At such time and in such payments or instalments (not exceeding ten per cent. at any one time) as the Directors deem proper, and upon a notice requiring such payment inserted for four successive weeks in the newspaper, or one of the newspapers published nearest the place where the Directors of the Company usually meet for the transaction of business, the Directors may call in and demand from the shareholders thereof the sums of money by them respectively subscribed. C. S. U. C. c. 49, s. 45.

Directors to make calls or shares.

**45.** Any shareholder neglecting or refusing, for three months after the time appointed for payment thereof, to pay a rateable share of any calls so made, shall forfeit his shares in the undertaking, and all the profit and benefit thereof, and all such forfeitures shall go to the Company for its benefit. C. S. U. C. c. 49, s. 46.

Shares forfeited if calls be not paid within a certain time.

**46.** No advantage shall be taken of any such forfeiture unless the shares are declared forfeited at a general meeting of the Company, assembled at any time after such forfeiture incurred. C. S. U. C. c. 49, s. 47.

How forfeitures must be declared.

**47.** Such forfeiture shall be an indemnification to the shareholder so forfeiting, against all actions, suits or prosecutions for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. C. S. U. C. c. 49, s. 48.

Forfeiture to be an indemnification, &c.

**48.** The Directors of the Company may sell to any shareholder or to any other person, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared forfeited, or may pledge such shares for the payment of loans or advances thereon, or of any sums of money borrowed or advanced by or to the Company. C. S. U. C. c. 49, s. 49.

Sale of forfeited shares.

**49.** A certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence thereof, and if sold, such certificate expressing therein the fact

Transfer to purchaser.

of sale and the name of the purchaser, together with the receipt of the Treasurer for the price of the shares sold, shall constitute a good title to the purchaser. C. S. U. C. c. 49, s. 50.

Certificate to be registered, &c.

**50.** Such certificate shall be by the Treasurer registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the Company. C. S. U. C. c. 49, s. 51.

Purchaser not to see to the application of purchase money.

**51.** The purchaser of the shares so sold shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to the sale. C. S. U. C. c. 49, s. 52.

Company may sue for calls instead of forfeiting stock.

**52.** Any such Company may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue any shareholder in the Company for any call which such shareholder neglects to pay, after notice of the call having been made has been inserted for two weeks in the newspaper, or one of the newspapers published nearest the place where the Directors of the Company usually meet for the transaction of business. C. S. U. C. c. 49, s. 53.

Allegations in such suit.

**53.** In any action or suit brought by the Company against a shareholder, to recover the money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), whereby an action has accrued to the Company, by virtue of this Act. C. S. U. C. c. 49, s. 54.

Proof in such suit.

**54.** On the trial or hearing of any such action or suit, it shall be sufficient for the Company to prove that the defendant, at the time of making the call, was a holder of one or more shares in the undertaking, and that such call was in fact made, and the requisite notice thereof given; whereupon the Company shall be entitled to recover the amount due upon such call, with interest thereon, unless it appears that due notice of the call was not given; and the Company need not prove the appointment of the Directors who made such call, or any other matter whatever. C. S. U. C. c. 49, s. 55.

Proof in case no transfer made.

**55.** Where there has been no transfer of the shares, proof of subscription by the defendant to the original agreement to take stock, shall be sufficient evidence of his holding stock to the amount subscribed. C. S. U. C. c. 49, s. 56.

## COMPANIES FOR PURCHASING ROADS.

**56.** Any number of persons, not less than five, may form themselves into a Company for the purpose of purchasing any planked, macadamized or gravelled road, not less than two miles in length, constructed by any Company on, along or over any public road or highway or allowance for road, or on, along or over any other land, and also any bridges, piers, or wharves connected therewith constructed by any Company. 23 V. c. 54, s. 5.

Formation of Companies for purchasing roads.

**57.** No such Company shall be incorporated under this Act—

Conditions of incorporation,

1. Until the shareholders have subscribed for stock in amount sufficient in their judgment to purchase the whole of the work or works for the purchase of which the Company is formed ;

Amount of subscription.

2. Nor until they have executed an instrument to the purport of Schedule A. annexed to this Act, with the necessary alteration in the statement of the purpose of the Company ;

Declaration.

3. Nor until the Company, or some one of their number, or the Directors named in the said instrument, have paid to the Treasurer of the Company six per cent. upon the amount of the capital stock mentioned in such instrument, and have registered such instrument, with a receipt from the Treasurer of the Company for such payment or instalment, by leaving the original instrument and receipt with the Registrar of any one County or other Registration Division in which such road or other work connected therewith is wholly or partly situated. 23 V. c. 54, s. 6.

Payment on account of the stock subscribed.

Registration of declaration and receipt for stock paid.

**58.** Thenceforward all and every the provisions of this Act, relating to Companies formed under the same for the construction of roads, and to the incorporation thereof, and to the instruments executed by the shareholders thereof, shall extend and apply to the Company so seeking to be formed under this Act for the purchase of roads, and to the incorporation of such Company, and to the instruments executed by the shareholders thereof. 23 V. c. 54, s. 7.

This Act thereafter to apply to the Company.

**59.** It shall be lawful for any Company formed and duly incorporated under this Act for constructing a road, to sell the road and works constructed by them to any Company formed and duly incorporated under this Act for purchasing a road, and such latter Company shall, after such purchase, or after any purchase of such road or works under any power granted by such former Company or under any legal process against such formed Company, stand in the place and stead of such former Company, and possess all such powers and authority as such former Com-

Companies under the said Act may sell their roads, works and privileges.

pany theretofore possessed and exercised in respect to such road and works, and be subject to all and every the provisions of this Act; and the sixty-fifth section of this Act shall apply to all such sales. 23 V. c. 54, s. 8.

#### UNION OF COMPANIES.

Two or more Companies may, in certain cases, unite as one Company and how.

**60.** Any two or more Companies formed for the construction or purchase of roads intersecting or contiguous to each other, may, with the consent of the shareholders representing or holding at least two-thirds of the capital stock of such Companies respectively (such consent being expressed by a resolution to that effect adopted at a general meeting of the shareholders of each Company, to be called for that purpose), unite and form one consolidated Company, by such name and on such terms as to them seem meet. C. S. U. C. c. 49, s. 57.

Registry of instrument of association.

**61.** Upon the adoption of such resolutions, the Presidents of such Companies may execute under the seals thereof respectively, an instrument in the form of Schedule B. to this Act, and deliver the same to the Registrar of any one County or other Registration Division in which such roads are wholly or partly situated or intended to be made, who shall register the same in the manner prescribed by the fifth section of this Act, and from thenceforth such Companies shall form one consolidated incorporated Company, by the name designated in such instrument, with all the powers and subject to all the liabilities of other Companies formed under this Act. C. S. U. C. c. 49, s. 58.

Rights and liabilities of Company formed by such union.

**62.** All the roads, estate, property and effects, with the rights and privileges of such two or more Companies, shall, after such consolidation, be vested in and be used and enforced by the consolidated Company, which shall also be subject to and responsible for all debts, contracts and liabilities of the former Companies, in the same manner and to the same extent as if the consolidated Company had been originally composed of one Company only, and not by the union of two or more Companies. C. S. U. C. c. 49, s. 59.

#### SALE OF ROADS.

Companies may sell their works and rights to municipalities.

**63.** Any Company formed under this or any former Act may sell to any Municipal Council representing the interests of the locality through or along the boundary of which any such road passes, or in which the work is situate, and such Municipal Council may purchase the stock of such Company, or any part of the road belonging to such Company, at the value that may be agreed on between the Company and the Municipal Council; and the Municipality may hold the same for the use and benefit of such locality, and shall, after such purchase, stand in the place and stead of the Company, and possess all such powers and au-



thority as the Company theretofore possessed and exercised in respect to such road or part of road, or other work purchased. C. S. U. C. c. 49, s. 68.

**64.** The Municipal Council may sell any work or macadamized, plank, or other toll road which they have constructed or purchased, or any stock held in any road or other Company, and apply the proceeds of such sale to the payment of existing debts contracted for the construction of the same, or for such stock; or if no debt exists for such work, road or stock, then to the general purposes of the Municipality, or otherwise, as they may determine. C. S. U. C. c. 49, s. 69.

Municipalities may sell roads, &c.

Application of proceeds.

**65.** In case any road, bridge or pier, or wharf constructed by any Joint Stock Company, incorporated under the laws of Ontario, has been heretofore or is hereafter sold either by such Joint Stock Company or under some power granted by them, or under legal process against such Company, the sale or sales shall, in all cases, be deemed to have passed and to pass such roads, bridges and piers, or wharves to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to such road, bridge, pier or wharf, whilst the same continued the property of the Joint Stock Company which had constructed the same. C. S. U. C. c. 49, s. 70.

Sale of works to pass the rights of the Company with respect to such works, to the purchaser.

#### POWERS OF MUNICIPAL COUNCILS.

**66.** Any Municipal Council or Company which has already acquired or made, or which hereafter acquires or makes, any such macadamized, plank or other road, may search for and take materials for making and keeping such road in repair, in the same manner as Companies for the construction of roads under this Act, and the price or damage to be paid to any person for such materials, or for anything done in pursuance of the powers hereby given, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner herein provided in the case of lands or materials taken or required for the original construction of any such road or other work. C. S. U. C. c. 49, s. 61.

Companies may search for and take materials for making or repairing roads.

**67.** Any Municipal Council, having jurisdiction within the locality through or along the boundary of which any such road passes, or in which any such work is constructed, may subscribe for, hold, sell and transfer stock in any Company formed under this or any former Act passed for the like purpose, and may from time to time direct the Mayor, Reeve, Warden or other Chief Officer of the Municipality on behalf thereof, to subscribe for such stock in the name of the Municipality, and to act for and on behalf of the Municipality in all matters relative to such stock, and the

Municipalities may acquire stock in such Companies.

Who shall  
vote on such  
stock.

exercise of the rights of the Municipality as a shareholder, and the Mayor, Reeve, Warden or other Chief Officer shall, whether otherwise qualified or not, be deemed a shareholder in the\* Company, and may vote and act as such, subject to any rules and orders in relation to his authority, made in that behalf by the by-laws of the Municipal Council or otherwise, and may vote according to his discretion in cases not provided for by the Municipality. C. S. U. C. c. 49, s. 63.

Municipalities  
may raise  
money to pay  
for such stock.

**68.** Such Municipal Council, may pay all instalments upon the stock they subscribe for and acquire, out of any moneys belonging to the Municipality, and which are not specially appropriated to any other purpose, and may apply the moneys arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to the Municipality may lawfully be applied. C. S. U. C. c. 49, s. 64.

Votes on  
shares held by  
corporations.

**69.** Wherever a Municipal Council holds stock in the Company, and is by law entitled to vote for the election of Directors, and holds a controlling amount of the stock in such Company, such Council shall only vote for and elect such number of Directors as will suffice to form a majority of the Board of Directors, and the shareholders, other than such corporation, shall elect the remainder or minority of such Directors. 29 V. c. 36, s. 7.

Municipalities  
may loan  
money to  
Companies.

**70.** The Municipal Council of any locality through or along the boundary of which any such road passes, or within which any such work connected therewith is constructed, may, out of any moneys belonging to the Municipality and not appropriated to any other purpose, lend money to the Company authorized to make the road or construct the work, or to any Company heretofore chartered by Act of the Legislature for a like purpose, and upon such terms and conditions as may be agreed on between the Company and the Municipality making such loan, and the Municipality may recover the money so loaned and appropriate the money so recovered to the purposes of the Municipality. C. S. U. C. c. 49, s. 65.

And issue de-  
bentures.

**71.** The Municipal Council may issue debentures for the payment of any loan negotiated by them with any such Company, in the same manner and subject to the same conditions as required by law with regard to the issuing of other debentures. C. S. U. C. c. 49, s. 66.

The provisions  
of the last five  
sections to ap-  
ply to Municip-  
al Councils  
of cities and  
towns.

**72.** The provisions of the last five preceding sections shall, in so far as respects the Municipal Councils of Cities and Towns, apply to all cases of Companies formed under this Act, or heretofore chartered by any Act of the Legislature, for the formation of roads or the construction of bridges within or without such Cities and Towns respectively. C. S. U. C. c. 49, s. 67.

## MATERIALS.

**73.** The Directors of the Company or Municipal Council having the management of any road, may acquire, take and hold any gravel bed, and may take and carry away stone or gravel from any lands lying within the Township through or along which their road or any portion thereof passes, for repairing the same, subject to arbitration in the manner herein provided, in case the owner of the gravel bed or materials cannot agree with the Directors or Council as to the compensation to be paid therefor. 31 V. c. 31, s. 12.

Company may acquire gravel beds, &c. Proviso for arbitration.

**74.** Any Company formed for the construction of a turnpike road under this Act, or under any of the Acts in the second section of this Act referred to, may in their discretion form the same in part or the whole, either of metal, gravel, timber, charcoal or any other suitable material for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered instrument of incorporation or not. C. S. U. C. c. 49, s. 62.

Of what materials roads may be made.

**75.** Every road or other work connected therewith, and all materials from time to time provided for constructing, maintaining, widening, extending or repairing the same, and all toll-houses, gates, and other buildings, constructed and acquired by or at the expense of any Company acting under this Act, and used for their benefit and convenience, shall be vested in such Company and their successors. C. S. U. C. c. 49, s. 60.

Roads or other works and materials for the same vested in Companies and their successors.

**76.** Every Company incorporated under this Act or any of the Acts in the second section of this Act referred to shall, whenever it may be necessary, sow with grass seed all cleared land or ground belonging to such Company and adjoining their road or roads, and cause the same, so far as may be, to be covered with grass or turf, and cause all thistles and other weeds growing on such land or ground to be cut down and kept constantly cut down, or to be rooted out of the same; and if any such Company fails so to do, such Company shall thereby incur a penalty of two dollars for each day on which they fail to comply with any of the requirements of this section, within eight days after having been required to comply with the same by a notice to be served on the Company on the part of the Reeve of the Municipality of the Township within which the land or ground lies. C. S. U. C. c. 49, s. 122.

Road Companies to lay down in grass all cleared lands belonging to them and adjoining their roads.

Penalty for default.

**77.** If the Company has not, after the expiration of such eight days, complied with the notice, the Reeve may cause all such things to be done as the Company were by the notice lawfully required to do, and the Municipality may recover to and for the use and purposes of the Municipality, the expense of so doing, together with such penalty, and all costs and charges,

If after eight days the Company does not comply with notice, Reeve may, &c.

from the Company by action of debt, in any Court having jurisdiction in civil cases to the amount sought to be recovered. C. S. U. C. c. 49, s. 123.

#### TIME FOR COMPLETION OF ROADS.

Roads, &c., to be completed within a certain period after incorporation of Companies.

Penalty for default.

**78.** Every Company shall, within two years from the day of their becoming incorporated, complete every road or extension thereof, not more than five miles in length, and any other work undertaken by them, and for the completion whereof they have become incorporated, and in default thereof they shall forfeit all the corporate and other powers and authority which they have acquired, and all their corporate powers shall thenceforth cease and determine, unless further time is granted by a by-law of the County in which such road or the greatest portion thereof is situated. C. S. U. C. c. 49, s. 71.

Periods for completion in different cases.

**79.** If such road or extension thereof exceeds five miles in length, then such Company shall complete in each and every year after the expiration of the first two years as aforesaid, not less than five miles of such road until the same is entirely finished, under pain (unless further time be granted as aforesaid) of forfeiture of their charter and of the corporate powers and authority thereby acquired, so far as concerns the portion of such road which remains unfinished. C. S. U. C. c. 49, s. 72.

#### ABANDONMENT OF ROADS.

Abandonment of road and assumption thereof by the Council.

**80.** Any Company formed under this Act, or any Acts in the second section of this Act referred to, may by by-law, abandon the whole or any portion of their road.

Abandonment of part.

**2.** After such abandonment of a portion of any such road, the Municipal Council of any Municipality, within which such road or any part thereof lies, may assume such abandoned portion of such road as lies within the Municipality, and have and exercise the same jurisdiction over the same, and be liable to the same duties as such Council has or is subject to, in respect to the public roads within its jurisdiction.

Abandonment of a whole road.

**3.** Such abandonment of the whole of any such road shall be signified by the head or President of such Company, by a notice in writing, delivered to the Municipal Council of the County wherein such road or any part thereof lies; and until the delivery of such notice as aforesaid, such Company shall be liable in any civil suit for damages arising from the unsafe condition of such road, and after such abandonment the Municipal Council of any County within which such road or any part thereof lies, may assume such abandoned portion of such road as lies within the County, and have and enjoy all the rights, and be subject to all the responsibilities and liabilities, as provided in section one hundred and twenty-one of this Act.



4. Failing such action on the part of such County Council, such road shall then be subject to the same jurisdiction for the control and repair thereof as further provided in section one hundred and twenty-two of this Act; but no such Company shall be entitled to abandon any intermediate portion of their road without the consent of the Municipal Council of the County within which such portion of such road lies, such consent to be expressed by by-law of such Municipal Council; nor shall any Road Company or Municipal Council be entitled to collect tolls upon any remaining portion of such road, less than five miles in extent, if such road originally exceeded five miles in length. 29 V. c. 36, s. 9; 35 V. c. 33, s. 9; 37 V. c. 24, s. 2.

81. The several sections of this Act which provide for the resumption of roads by Municipalities, the removal of material and buildings from the same and of intermediate portions thereof, shall not be held to apply to roads constructed by any Company or corporation on private property, or acquired by any Company from private owners. 35 V. c. 33, s. 12.

Certain sections not to apply to private roads.

#### TOLLS ON ROADS, &c.

82. The President and Directors of any Company may from time to time fix, regulate and receive the tolls and charges to be paid by persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle, swine, sheep or other animals driven upon, over and along the road of the Company, or by persons passing over any bridge with any such carriages or animals, or using any work constructed, made or owned by the Company. C. S. U. C. c. 49, s. 73.

Tolls how to be fixed, paid and levied.

83. Whenever two or more miles of any such road or extension thereof have been completed, tolls may be taken therefor, but tolls shall not be taken on any other work of the Company until the same has been completed.

When tolls may be collected.

3. In case any bridge or bridges, whether under the jurisdiction of any Municipal Council or otherwise howsoever, intervene or form part of the line of such road, the same shall not be held to affect the rights of the Company under this section, reserving always the rights and obligations of the Municipality or other owner thereof over such bridge or bridges.

Bridges under municipal control.

2 In case of Companies constructing plank roads, the completion of the laying of the planks shall be deemed a compliance with the requirements of this Act for the purpose of erecting toll-gates, and it shall not be lawful for any Inspecting Engineer appointed as hereinafter provided to condemn any such road, except as regards the plank roadway, until the expiry of eighteen months after the erection of toll-gates; and such Companies shall be allowed eighteen months' exemption from the operation of the ninety-ninth section of this Act, as far as

What shall be a sufficient completion of the road within the time limited by this Act.

the completion of their ditches and side grading is concerned, to enable them to complete the same according to the plans and specifications of their works. C. S. U. C. c. 49, s. 74; 29 V. c. 36, s. 5.

Limitation of  
tolls.

Rev. Stat.  
c. 184.

**84.** Subject to the provisions of chapter one hundred and eighty-four of The Revised Statutes of Ontario, entitled "*An Act exempting certain Vehicles, Horses and other Cattle from Tolls on Turnpike Roads*," and of section ninety-four of this Act, tolls may be taken by any Company at each time of passing each gate upon the road constructed or owned by the Company, for any portion of such road on either side or on both sides of the said gate (not being more than five miles) to the next gate or gates on the same road, if any, and not exceeding five miles in the whole, or for the whole of such road if the length thereof does not exceed five miles and there is only one gate thereon, at the following rates per mile, that is to say:

(a.) For every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, two cents; and for every additional horse or other beast drawing any such vehicle, one cent;

(b.) For every horse with or without a rider, one cent;

(c.) For each head of neat cattle, one cent;

(d.) For every score, or number less than a score, of sheep or swine, one cent; and

(e.) In addition to the above rates, one cent for every one hundred pounds, over and above four thousand, which a loaded vehicle weighs. C. S. U. C. c. 49, s. 75; *Vide* 32 V. c. 40, s. 1; 40 V. c. 7, *Sched. A.* (138).

Extra tolls.

**85.** Every vehicle loaded with masts, spars, hewn or round timber or otherwise, exceeding in weight two tons, shall, at each time of passing each gate, pay for each ton over and above two tons, the sum of fifty cents; and all vehicles with wheels, used for the above purpose, shall have not less than five inch tires, under penalty of paying double the amount of toll above provided. C. S. U. C. c. 49, s. 76.

When any  
such road in-  
tersects an-  
other.

**86.** Wherever a road constructed under this or any former Act intersects a road constructed or owned by another chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the said Company for travelling along the entire length of their road so intersected; but it shall be incumbent on such persons to produce a ticket from the last toll-gate on the intersecting road as evidence of their having travelled only from such intersection. C. S. U. C. c. 49, s. 77.

**87.** Any Company formed under this or any former Act may, with the sanction of the Council of the County having jurisdiction in the locality, charge a higher rate of toll than is hereby authorized, at any toll-gate erected at any bridge upon or connected with any road constructed by such Company; and the Council, in sanctioning such additional toll, may take into account the cost of such bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure. C. S. U. C. c. 49, s. 78.

Tolls at bridges may, with consent of Municipal Council, exceed the said rates.

**88.** Such last mentioned tolls shall be collected in the same manner, and persons evading the same shall be liable to the same penalties as herein provided with respect to other tolls. C. S. U. C. c. 49, s. 79.

Collection extra tolls.

**89.** Every such Company may erect such number of toll-gates, check-gates, and side-bars in, along or across the said roads, and upon any other such work respectively, and fix, regulate and collect such tolls not exceeding the rates hereinbefore provided, to be collected at each gate, check-gate, or side-bar, as they deem expedient, and may from time to time alter such tolls, toll-gates, check-gates and side-bars, and may erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as are necessary and convenient for the due management of the business of the Company. C. S. U. C. c. 49, s. 80.

Companies authorized to erect toll and check-gates, &c.

**90.** No tolls shall be taken for merely crossing any road, or for travelling thereon in crossing from one transverse road to another, when the distance between such transverse roads does not exceed one hundred yards. C. S. U. C. c. 49, s. 81.

As to vehicles merely crossing a road.

**91.** In case any Company deems it necessary or convenient to erect a check-gate on any part of their road, they shall not demand toll at both the check-gate and the gate to which it acts as a check; but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate, and *vice versa*; and the distance regulating the rates of toll shall not be calculated between any of the check-gates and the principal gates on such road, but only between the principal gates themselves. C. S. U. C. c. 49, s. 82.

Tickets to be given at check-gates to pass principal gate, and *vice versa*.

**92.** The Directors of any Road Company may, from time to time, commute with any person whose place of abode adjoins or is within half a mile of the gate nearest to his place of abode on such road. C. S. U. C. c. 49, s. 83.

Directors may commute for tolls.

**93.** No gate-keeper shall be bound to give change for a larger amount than one dollar. C. S. U. C. c. 49, s. 90.

As to money change.

**94.** The following persons shall be exempted from the payment of any duties or tolls on embarking or disembarking from

Exemption from toll.

or upon any pier, wharf, quay or landing-place, or passing any turnpike roads or bridges, or passing any toll-gate or road made or improved under this or any former Act :

1. Her Majesty's officers and soldiers being in proper staff, or regimental or military uniform, dress or undress, and their horses (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same) ;

2. Recruits marching by route ;

3. Prisoners under military escort ;

4. Enrolled pensioners in uniform, when called out for training or in aid of the civil power ;

5. Carriages and horses belonging to Her Majesty or employed in Her service when conveying such persons or their baggage, or returning therefrom ;

6. Persons, horses or carriages going to or returning from a funeral ;

7. Any person with horse or carriage going to or returning from his usual place of religious worship on the Lord's day ;  
*See also Rev. Stat. c. 184, s. 1.*

8. Any farmer residing on the line of any such road passing any toll-gate opposite to and immediately adjoining his farm, when going to or returning from his work on such farm ; C. S. U. C. c. 49, s. 91 ; 27 V. c. 3, s. 20 ; *See also Rev. Stat. c. 184, s. 3.*

Vehicles laden with manure to pass free of toll through turnpike gates.

9. Every person with a vehicle laden solely with manure brought from any City, Town or incorporated Village, and employed to carry such manure into the country parts for the purpose of agriculture, and the horse or horses or other beasts of draught drawing such vehicle, passing any turnpike gate or toll-gate, on any such road within twenty miles of such City, Town or incorporated Village, as well in going from such City, Town or incorporated Village as in returning thereto, if the vehicle be then empty. 32 V. c. 40, s. 1 ;  
*See also Rev. Stat. c. 184, s. 4.*

Tolls may be charged on mail carriages, &c.

Exception as to certain roads.

**95.** Tolls may be charged on vehicles carrying the mails upon any road or bridge constructed under this or any former Act, or under any special or private Act of incorporation ; but as regards all roads and bridges constructed by the Government or Board of Works of the late Provinces of Canada or Upper Canada, and transferred to any Company on condition that the mail should pass free over the same, an exemption from toll shall continue in favour of the mails. C. S. U. C. c. 49, s. 92 *first part.*



**96.** In the case of any such last mentioned road or bridge, there shall be no such exemption in favour of any mail stage or other vehicle drawn by two horses and carrying the mail, and containing or having more than four passengers travelling thereby, or in favour of any mail stage or other vehicle drawn by four horses and carrying the mail, and containing or having more than eight passengers travelling thereby; but every such mail stage or vehicle drawn by two horses and containing more than four passengers, and every such mail stage or vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively be liable at each gate to a toll of two cents. C. S. U. C. c. 49, ss. 92 *last part* and 93; 40 V. c. 7, *Sched. A* (139).

Exception limited on the roads last mentioned.

Rate of toll if mail carriage has more than 4 or 8 passengers respectively.

**97.** Nothing herein contained shall affect the rate of toll which any party is entitled to collect under any lease or contract executed before the fourteenth day of June, one thousand eight hundred and fifty-three. C. S. U. C. c. 49, s. 94.

As to roads under lease before the 14th June, 1853.

#### REPAIR OF ROAD.

**98.** After any road or portion of a road, bridge or other such work, constructed or acquired by any Company or Municipality under this or any former Act, has been completed and tolls established thereon, the Company or Municipality shall keep the same in repair. C. S. U. C. c. 49, s. 84.

Company to keep roads in repair.

**99.** If any such Company or Municipality suffers any portion of their road on which tolls have been taken to get out of repair, the Judge of the County Court in the County in which such road is situated may, upon the requisition of twelve freeholders residing within such County, stating that such road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, direct any competent Engineer, not being a shareholder in the road, or an officer of the Municipal Council owning such road, to examine the road; but such requisition shall not be presented to the County Judge until at least six days' written notice thereof, signed by one or more of the said freeholders, of such intended requisition, has been given in the manner provided by section one hundred and one of this Act. 35 V. c. 33, s. 1; 37 V. c. 24, s. 4.

Power of County Court Judge to order examination of road out of repair.

**100.** Wherever an Engineer has been so directed by the Judge of the proper County Court to examine any road, such Engineer shall, before proceeding to make such examination, be sworn before such County Judge, or some Justice of the Peace for the County, carefully and impartially to examine into the state of such road, without favour or affection for either party; and such County Judge or Justice of the Peace shall grant a certificate that the Engineer has been so sworn before him, which certificate shall be evidence that the Engineer has been so sworn. 23 V. c. 54, s. 1.

Engineer to be sworn, &c.

Engineer appointed to examine road.

If found in bad repair, Engineer to notify Company, &c.

**101.** The Engineer so appointed shall, upon receiving such directions, immediately inspect and examine the road, and if upon such examination the road is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the President of the Company or Head of the Municipality to which the road belongs, by leaving a written notice at the office or place of business of such President or Head of the Municipality, if there is such office or place of business within the County wherein such road is situated, and such office or place of business is known to the Engineer, and if not so known, then by leaving such notice with any of the keepers of the toll-gates belonging to such Company or Municipal Council.

2. Such notice shall state that in pursuance of directions from the Judge of the County Court he has inspected their road and found it to be out of repair, and shall specify the particular portions or portion of the said road which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time, to be named in such notice; and the time shall be such as in the opinion of the Engineer will be sufficient for making the required repairs. 35 V. c. 33, s. 2; 23 V. c. 54, s. 2, *first part*.

Proceedings on expiration of time limited in notice.

**102.** At the expiration of the time limited in the said notice for the repairing of the road, the Engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the Directors or Municipal Council.

2. If he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing the same without discontinuing the taking of tolls.

3. If he does not think proper to grant such permission, or if having granted it he does not find the road properly repaired at the expiration of time limited in such permission, then until such repairs are completed neither the Directors nor Municipal Council (as the case may be) shall demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest toll gates whereat tolls were being collected at the time of such notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in the one hundred and seventh section, until the Engineer has again examined the road, and certified it to be in good and efficient repair. 23 V. c. 54, s. 2, *last part*; 31 V. c. 31, s. 11.

Proceedings if it be disputed that road is out of repair.

**103.** If the Directors of the Company or the Municipal Council dispute their road being so out of repair, as reported by the Engineer in the notice so given, the Directors or Mu-

nicipal Council may, within five days next after the service of such notice by the Engineer, make application either verbally or in writing to the Judge of the County Court who issued directions to the Engineer for the examination of the road.

2. The Judge shall forthwith, after such application, by a summons under his hand, require the attendance of the Engineer and the Directors or Municipal Council at such time being within ten days next after such application, and at such place as may be fixed in such summons.

3. The Judge shall hear and examine under oath or affirmation such witness or witnesses as may be offered on behalf of either party, and after hearing the evidence shall decide and certify whether such road or portion so reported out of repair is or is not so out of repair.

4. If the Judge decides that the road is so out of repair as certified by the Engineer, then, after such decision, the Directors or Municipal Council shall cease to take any toll at the toll-gates as hereinafter mentioned until such repairs are fully completed.

5. The costs of such hearing and examination shall be in the discretion of the Judge.

6. After such application by the Directors or Municipal Council, and until the decision of the Judge, the Judge may in his discretion allow the Directors or Municipal Council to collect tolls or may prohibit the collection of tolls at the gate or gates on either side of the portion of road so reported by the Engineer to be out of repair. 35 V. c. 33, s. 2 (1).

**101.** After the expiration of the time limited in the notice or permission referred to in the one hundred and first and one hundred and second sections (or in case of a reference to the County Judge, as provided in the one hundred and third section of this Act, then after the decision of such Judge, if such decision is against the Directors or Municipal Council), and until such repairs are completed, neither the Directors of the Company nor the Municipal Council, nor any person authorized by them, shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll-gates whereat tolls were being collected at the time of such notice, on either side of the portion or portions of road so out of repair, under the penalty mentioned in the one hundred and seventh section of this Act, until an Engineer, approved by the Judge of the County Court, has again examined the road and certified it to be in good and efficient repair.

Neglect to repair, and ceasing to right to tolls,

2. After such notice or decision of the County Judge in the manner aforesaid, and until such repairs have been completed as

and materials part of the road.

directed by the Engineer, no such Company nor any person or persons shall be entitled or permitted to destroy, take, remove, or carry away from such road any earth, stone, gravel, plank, or other material forming any part of such road, or having been used in the construction of the same, nor any toll-house, toll-gate, toll-bar, or any appendages thereto belonging.

Penalties.

3. Any such Company or any person destroying, taking away, or removing any such earth, stone, gravel, plank or other material, toll-house, toll-gate, toll-bar, or any appendages thereto belonging, contrary to the provisions of this Act, shall be liable to prosecution by the Municipal Council of the Municipality wherein such road lies and whereon such earth, stone, gravel, plank or material, toll-house, toll-gate, toll-bar or appendages belonging thereto are situate, and shall, on conviction in the manner provided in the one hundred and thirty-seventh section of this Act, incur the penalties in the said section mentioned; which penalties when recovered shall be paid over to the Municipal Council bringing such action, and shall form part of the public funds of the Municipality. 35 V. c. 33, s. 3; 37 V. c. 24, s. 3.

Partial want of repair.

**105.** In case of the sudden damage or destruction of any portion of a road, or of a bridge or culvert, caused by freshet or fire, or in case the Directors or Municipal Council desire to take down any such bridge or culvert for the purpose of rebuilding the same, the Engineer, if required to examine the road in accordance with this Act, shall, in case the remaining portions of such road are in a suitable state of repair, allow a reasonable time for the repair of such portion of the road, or the erection or construction of such bridge or culvert, and shall give notice in writing to the Directors or Municipal Council of the time so allowed to repair, erect or construct the same; and the Directors or Municipal Council may collect tolls during the time specified in such notice for the repair of such road or the erection or construction of such bridge or culvert.

2. In all cases wherein the Directors or Municipal Council are entitled to take toll in virtue of the last preceding sub-section, such Directors or Municipal Council, within a limited time after such sudden damage or destruction has occurred as aforesaid, to be fixed by the Engineer, shall provide a temporary passage to safely enable any person or persons travelling with or without any beast or vehicle over said road to pass by such portion of road, bridge or culvert so being out of repair or being taken down for the purpose of rebuilding the same. 35 V. c. 33, s. 2 (2).

Neglect to repair, and cessation of right to tolls.

**106.** In case the Directors or Municipal Council neglect or refuse to erect or construct such bridge or culvert, or repair such portion of road as aforesaid, within the time specified in the notice so given by the Engineer, or refuse or neglect to provide such temporary passage for the use of the travelling public as in



the next preceding section required, the portion of road so damaged or whereon such bridge or culvert so damaged or destroyed as aforesaid existed, shall be deemed to be out of repair, and the Engineer shall thereupon give to the Directors or Municipal Council a notice in the manner provided in the one hundred and first section of this Act.

2. Such notice shall set forth that the time fixed for the repair of such portion of road, bridge or culvert has expired, and that such repairs have not been completed, or that such temporary passage has not been constructed within the time fixed for constructing the same, and that henceforth until such repairs have been fully completed, the Directors or Municipal Council shall not demand or take toll at the gate or gates at or on either side of the portion or portions of road, bridge or culvert so out of repair, under the penalties imposed by the one hundred and seventh, being the next succeeding section of this Act. 35 V. c. 33, s. 2 (3).

**107.** If after the expiration of the time limited in the notice or permission referred to in the one hundred and first and one hundred and second sections (or the notice referred to in the last preceding section, or the decision of the County Judge, as the case may be), and before the required repairs have been completed, any person acting as a keeper of any such toll-gate demands or takes any toll, or refuses to allow any person travelling as aforesaid to pass through such toll-gates without payment thereof, he shall, upon conviction before a Justice of the Peace for the County in which such toll-gate is situated, upon the oath of one credible witness, forfeit and pay a sum of not less than one dollar, nor more than four dollars, for every such offence, to be collected or enforced in the manner prescribed for the collection or enforcement of other penalties under this Act. C. S. U. C. c. 49, s. 88.

Penalty for taking toll when the road is out of repair.

How collected.

**108.** If the Engineer, on his first examination of the road, finds it to be in good repair, the costs attending the requisition to the County Judge and the examination of the road, shall be paid by the freeholders who made the requisition; but if he finds it to be out of repair as aforesaid, the costs of the requisition to the County Judge and of the visits and examination of the Engineer, and all subsequent costs and expenses, shall be borne by the Company or Municipality bound to repair the road, and shall be recoverable from such Company or Municipality, either by the Engineer or by the freeholders making the requisition to the County Judge, if they have paid the same to the Engineer; and such costs shall include a fair remuneration to the Engineer for his services, and all his necessary disbursements. 23 V. c. 54, ss. 2 (*part*), 3.

Costs of examination of the road.

**109.** If the Engineer first appointed by the County Judge becomes, from any cause, unable to make or complete the ex-

Another Engineer may be

appointed in  
certain cases.

amination, or to do or complete any proceeding required of him by this Act, in relation to such requisition as aforesaid, then the Judge of the proper County Court, being satisfied thereof, may, upon the application of any of the parties interested, appoint some other Engineer to make or complete such examination, or do or complete such proceeding, act or thing, as effectually to all intents and purposes as the Engineer first appointed might have done, and the costs and disbursements of the Engineer so appointed may be recovered in like manner. 23 V. c. 54, s. 4.

In case of  
question as to  
sufficient re-  
pair, Directors  
to appoint an  
arbitrator.

**110.** Wherever the Directors of the Company or Municipal Council, after the service of a notice to repair given by the Engineer in the manner hereinbefore provided, have put the road into such repair as that in their judgment Her Majesty's subjects are not impeded or endangered travelling thereon, and the Engineer refuses or neglects to accept the repairs as sufficient, the Directors or Municipal Council may appoint an Arbitrator, and give notice thereof in writing to the persons signing the requisition upon which the order for examination of the road in question was issued, or to any two of them, calling upon them to appoint an Arbitrator in the matter on their behalf, within six days after the service of such notice, and to notify the Directors or Municipal Council of such appointment; and in default thereof, the Sheriff of any County within which such road lies, shall, within four days after a request in writing made upon him by the Directors or Municipal Council, appoint such second Arbitrator, and the two Arbitrators so appointed shall forthwith appoint a third Arbitrator in the matter.

2. In no case shall the Engineer, or a member of the Company or Council concerned, be appointed or act as Arbitrator.

3. A list of the persons signing the requisition shall be furnished by the Judge upon a written request made to him by the Directors or Municipal Council. 31 V. c. 31, s. 2; 35 V. c. 33, ss. 4 & 6.

In certain  
cases Judge to  
appoint third  
arbitrator.

**111.** If, after the two Arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third Arbitrator, the Judge of the County Court of the County within which such road lies, shall, within four days after a request in writing made upon him by either of the two Arbitrators appointed as above, appoint a third Arbitrator. 31 V. c. 31, s. 3.

Oath to be  
taken by  
arbitrators.

**112.** The Arbitrators, before proceeding to try the matter of the Arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

"I, A. B., do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence : So help me God."

which oath or affirmation shall be filed with the award. 31 V. c. 31, s. 4.

**113.** The Arbitrators shall, within six days after the ap- Proceedings on arbitration.  
pointment of the third Arbitrator, examine the road, and at a sitting to be held by them as convenient as may be to the portion of the road so examined, shall examine under oath or affirmation such witness or witnesses as may be presented for examination on behalf of either party to such arbitration.

2. Due notice of any such sitting shall be given to the Directors of the Company or Municipal Council, and to any two of the persons signing the requisition, and any such sitting may be adjourned from time to time. 35 V. c. 33, s. 5 (1).

3. In case the said Arbitrators are of opinion that the then Case of repair by weather.  
state of the road, if in a condition not to impede or endanger Her Majesty's subjects and others travelling thereon, is so in consequence of the action of the frost or snow, or condition of the weather, and not from suitable and proper repairs having been made at the expense of the said Company or Municipal Council, they shall adjudge the costs of such arbitration against the Directors of such Company or Municipal Council, and shall make an award in writing setting forth the condition of such road, and whether the same is in such condition so as not to impede or endanger Her Majesty's subjects and others travelling thereon, and whether such condition arises from the action of frost or snow, or condition of the weather, or from suitable and proper repairs having been made at the expense of the Directors of such Company or Municipal Council. 35 V. c. 33, s. 5 (2).

4. In case the said road is not in a proper state of repair, Want of repair to be set out by arbitrators.  
they shall set forth what repairs are necessary to be made, and shall allow a reasonable time for so repairing the road, taking into consideration the facilities for obtaining the material to repair the road as required, and the Arbitrators may permit the Directors of the Company or Municipal Council to levy, or may prohibit them from levying tolls, while the repairs are being completed, as to them may seem fit and proper. 35 V. c. 33, s. 5 (3)  
*first clause.*

**114.** The award shall be in duplicate, one copy whereof shall Award to be in duplicate.  
forthwith be filed in the office of the First Division Court of the County in which the said road, or the greater part of it, is, and the other copy shall be served upon the President of the said Road Company or upon the head of the Municipal Council, as the case may be; and the award of the said Arbitrators, or of any two of them, shall be final and binding on all parties. 31 V. c. 31, s. 6.

**115.** At the expiration of the period so fixed by the Arbitra- Examination and delivery  
tors, or sooner if required by the Directors of the Company or

of certificate  
of repair  
of the road to  
the Directors,  
&c.

Municipal Council, the Arbitrators shall examine the road, and if the repairs are completed as by their award required, they shall deliver a certificate to that effect to the Directors of the Company or Municipal Council, or if they find the repairs not completed they may, if they consider it just, extend the time for the completion of the repairs so required to be done by the award from time to time to such period as they deem proper, and notice of such extension shall be given to the Directors of the Company or the head of the Municipality: and the Arbitrators may permit the Directors or the Municipal Council to levy, or may prohibit them from levying tolls while the repairs are being completed, as to them seems just and proper. 31 V. c. 31, s. 7.

Provision in  
case of failure  
of arbitrators  
to examine.

**116.** In case the Arbitrators refuse or neglect to examine the road within two days next after being required by the Directors or Municipal Council so to do, by written notices signed by the Head of the Company or Municipal Council, and served personally upon such Arbitrators or left at each of their last and most usual place of abode, the Directors or Municipal Council shall be entitled to levy and collect tolls in the same manner as if the Arbitrators had examined and certified the road to be in a fit and proper state of repair. 35 V. c. 33, s. 7.

Costs of arbitration.

**117.** The Arbitrators shall, subject, however, to the provisions of the third sub-section of the one hundred and thirteenth section of this Act relating to the costs of such arbitration, assess and award the payment of the costs of the arbitration, by the Directors of the Road Company, or the Municipal Council, or the petitioners, or in such proportion as against one or all of them, as to the said Arbitrators seems just, and shall file a copy of the award for such costs in the First Division Court of the County in which the road, or the greater part of it, lies, and the said award shall thereupon become a judgment of the said Court, and the payment of the costs may be enforced by execution in the same manner as a judgment of the said Court. 31 V. c. 31, s. 8; 35 V. c. 33, s. 8.

Difference between arbitrators.

**118.** In case of difference between the three Arbitrators, the decision of any two of them shall be conclusive. 31 V. c. 31, s. 9.

Fees to arbitrators

**119.** A fee not exceeding four dollars per diem, for the time necessarily expended by them in the matter of the said arbitration, shall be paid to each of the Arbitrators making the award, and shall be included in their award as part of the costs of the said arbitration. 31 V. c. 31, s. 10.

If Company do not repair within three months after notice, tolls at certain gates not to be levied.

**120.** In case the Company or Municipal Council owning such road, as aforesaid, does not cause the portion or portions of the road so out of repair, as aforesaid, to be put in a proper state of repair within three months next after the expiration of the time fixed in the written notice to repair, so given by the Engineer in the manner above provided, the



Company or Municipal Council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle, for passing through the nearest two toll-gates on or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in the one hundred and seventh section of this Act, until the Engineer has again examined the road, and certified it to be in good and efficient repair; and for every additional three months' time respectively thereafter during which the said portion or portions of the said road is or are not put in a proper state of repair, to be certified by the Engineer or Arbitrators in the manner provided herein, such Company or Municipal Council shall forfeit the right to demand or take toll for two additional toll-gates, being those on either side of the toll-gates in respect to which they had last before forfeited the right to take toll. 31 V. c. 31, s. 1 (2).

**121.** If any such Company permits or allows their road to remain out of repair for the period of nine months next after the time fixed by the said Engineer or Arbitrators (as the case may be), as in this Act provided to repair the same, such Company shall forfeit all right to their road, and the Municipal Council of the County through which such road or any part thereof passes may enter upon and take possession of the same, and exercise the same jurisdiction over the same as the Road Company owning such road was entitled to under this Act and such Municipal Council may repair the same in accordance with the award of the Engineer or Arbitrators in reference to the same; and after such repairs have been made by such Municipal Council, may levy and collect tolls thereon, and possess and enjoy all the rights and powers, and be subject to all the duties and requirements of this Act, in reference to all toll roads. 35 V. c. 33, s. 5 (3), *last clause*; 37 V. c. 24, s. 1.

Neglect to repair, and forfeiture of road to Municipal Councils.

**122.** In case the Municipal Council of such County does not think fit and proper, within the period of one month next after the expiration of the aforesaid nine months, to assume, by by-law, such road for the purposes of repairing the same, and levying tolls thereon, the Municipal Council of any Municipality which would, under the provisions of the Municipal Acts at the time in force be required to maintain and keep such road in repair as a common and public highway, shall be liable to the same duties as such Municipal Council has, or is subject to, in respect to the public roads within its jurisdiction. 35 V. c. 33, s. 5 (4).

Repairs by Municipal Councils.

#### SALE OF ROADS UNDER EXECUTION.

**123.** The right and interest of any Joint Stock Road Company in or to any road or any part or parts thereof may be sold under execution upon any judgment heretofore or hereafter recovered against such Company. 31 V. c. 31, s. 13.

The interests of Companies may be sold under execution.

If purchaser repays Council, making repairs, the road and right to collect toll to become vested in him.

**124.** The purchaser at such sale may, at any time within two years from the time of such sale, reimburse and pay to the Municipal Council which has made any outlay for the repair and maintenance of such road or the part or parts thereof so purchased, the amount expended by such Council; and thereupon the Head of such Municipal Council shall grant to the said purchaser a certificate to that effect, under his hand and the seal of the said Council, and upon, from and after the registration of such certificate in the Registry Office for the County or other Registration Division in which such road or any part thereof is situate, such road, or the part or parts thereof so purchased shall become vested in and be the property of such purchaser, and the provisions of the one hundred and twenty-first and one hundred and twenty-second sections shall thenceforth cease to apply to or in respect of said road, or the part or parts thereof so purchased, as aforesaid, and the purchaser shall have the same right to collect tolls and all such other rights and privileges, and be subject to the same duties and obligations in respect to the said road, or the part or parts thereof so purchased, as if the said sale had taken place before the right to collect tolls had been suspended. 31 V. c. 31, s. 14.

If purchaser does not repair the road, it is to revert to Municipality.

**2.** Unless such purchaser within twelve months from and after the time when he has reimbursed and paid to such Municipal Council the amount of said outlay as above provided, causes the said road, or such portion or portions thereof as are out of repair within the meaning of this Act, to be put in a proper state of repair, and procures the certificate of the Engineer that such has been done, and thereafter keeps the said road, and every portion thereof, in a proper state of repair within the meaning of this Act, such purchaser shall forfeit his property in such road, or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the Municipality or Municipalities in the same way as if this section and the next preceding one had not been enacted.

Arbitration enactments to apply.

**3.** All the enactments in reference to arbitration in this Act hereinbefore contained shall apply to this section. 36 V. c. 41, s. 1.

Application of ss. 123, 124,

**125.** The two preceding sections shall apply to all roads or parts or portions of roads, the outlay upon which was before the twenty-ninth day of March, 1873, reimbursed and paid to the Municipal Council, as provided in the last preceding section of this Act. 36 V. c. 41, s. 2.

Certain purchasers to keep roads in repair

**126.** Any purchaser of any road or any part or portion of any road who has heretofore reimbursed and paid to any Municipal Council the amount of outlay as provided by the Acts heretofore in force, and has complied with the provisions of the said Acts, shall hereafter keep the said road, and

every portion thereof, in a proper state of repair within the meaning of this Act; and in the case of failure to keep said road in a proper state of repair within the meaning of this Act, such purchaser shall forfeit his property in such road, or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the Municipality or Municipalities, as if this section had not been enacted. See 36 V. c. 42, s. 1.

**127.** The sections of this Act, numbered from ninety-eight to one hundred and twenty-six, inclusive, shall apply to all toll roads whereon tolls are levied and collected, whether such roads were constructed under this Act or under any of the Acts in the second section mentioned, or under any special charter, and to toll roads purchased from the Government of the late Province of Canada, and now owned and held by private Companies or Municipal Councils. 35 V. c. 33, s. 10.

Sections applicable to all toll roads.

OFFENCES AND PENALTIES.

**128.** If any person, being either the renter or collector of tolls at any gate on any road, takes a greater toll than is authorized by law, he shall for every such offence forfeit and pay the sum of twenty dollars, to be recovered in the same manner as other penalties imposed by this Act. C. S. U. C. c. 49, s. 89.

Penalty for taking more than the proper toll.

**129.** If any person not exempted by law from paying toll, wilfully passes or attempts to pass any toll-gate, check-gate or side-bar lawfully established, without first paying the legal toll, he shall forfeit a sum not exceeding twenty dollars and costs, to be recovered in the same manner as other fines and forfeitures may be levied under this Act; and in case no sufficient distress can be found to satisfy a warrant issued against the goods and chattels of the offender, such offender shall then be committed to the Common Gaol of the County for any period not exceeding one month. C. S. U. C. c. 49, s. 95.

Penalty for passing or attempting to pass gates, &c., without payment of toll.

**130.** In case the offender after conviction neglects or refuses to pay the amount of the fine and costs, and it is by affidavit made to appear, to the satisfaction of the acting Justice, that the offender has no goods or chattels within the jurisdiction of such Justice, a warrant of commitment may issue, and the party convicted may be imprisoned thereon in the first instance upon any conviction under the last preceding section of this Act, without issuing any warrant of distress against goods and chattels. C. S. U. C. c. 49, s. 96.

Imprisonment in first instance in certain cases.

**131.** If any person, subject or liable to the payment of any toll by virtue of this or any former Act, neglects or refuses, after demand thereof, to pay the same, the person authorized to collect such toll may by himself, or taking such assistants

Mode of enforcing payment of tolls in case of refusal to pay.

as he thinks necessary, seize or distrain any horse, cattle, carriage or other thing in respect of which such toll is imposed, together with their respective bridles, saddles, gears, harness or accoutrements (except the bridle or reins of any horse or other beast separate from such horse or beast), or any carriage in respect of the horses or cattle drawing the carriage on which such toll is imposed, or any of the goods and chattels of the person so required to pay. C. S. U. C. c. 49, s. 97.

If toll not paid within four days after seizure, sale to take place.

**132.** If the toll so neglected or refused to be paid, and the reasonable charges of such seizure and distress, are not paid within the space of four days next after such seizure and distress made, the person so seizing and distraining, after having given four days' public notice thereof, may sell the horse, beast, cattle, carriage and things so seized and distrained, or a sufficient part thereof, returning to the owner thereof upon demand the overplus of the money arising from such sale (if any), and what remains unsold after such tolls and the reasonable charges occasioned by such seizure, distress and sale, have been deducted. C. S. U. C. c. 49, s. 98.

Penalty on persons using a road and turning off the same in order to avoid payment of toll.

**133.** If any person, after proceeding on such road with any waggon, carriage or other vehicle or animal liable to pay toll, turns out of the road into any other road or field or piece of land, for the purpose of avoiding the payment of toll, and enters upon the said road beyond any of the said gates or check-gates by crossing the road or otherwise without paying toll, whereby the payment of toll is evaded, such person, or the owner of such vehicle or animal, shall for every such offence forfeit and pay the sum of two dollars and costs; and any one Justice of the Peace for the County in which such part of the road is situated shall, on conviction of the offender, fine him in the said penalty and costs, and shall cause the same to be levied as aforesaid. C. S. U. C. c. 49, s. 99.

Penalty on persons allowing others to pass through their lands to avoid payment of toll.

**134.** If any person permits or suffers any other person to pass through any lands occupied by such first mentioned person, or through any gate, passage or way thereon, with any carriage, sleigh, horse, mare, gelding or any other animal liable to the payment of toll (such other person, before or after passing through such lands, having travelled more than one hundred yards upon the road), whereby payment of the toll is evaded, the person so offending, and also the person riding or driving, or the owner of the animal or carriage the payment whereon is so evaded, shall, on conviction before any one Justice as aforesaid, incur a penalty not exceeding four dollars and not less than one dollar, to be levied as aforesaid, with costs. C. S. U. C. c. 49, s. 100.

Penalty on persons leaving horses, &c., on the road so

**135.** If any person leaves upon a toll road any horse, cattle, or carriage by reason whereof the payment of any toll or duty is evaded or lessened, or takes off any horse or cattle from any



vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, adds or puts any horse or other beast to any such carriage and draws therewith upon any part of any such road, so as to increase the number of horses or other beasts drawing the vehicle after the same has passed through such toll-gate, whereby the payment of all or any of the tolls has been evaded, he shall forfeit and pay a sum not exceeding four dollars, to be levied as aforesaid, with costs. C. S. U. C. c. 49, s. 101.

**136.** In case any person falsely represents himself to any toll gatherer, or gate-keeper, as being entitled to any exemption mentioned in this or any other Act, or evades the payment of toll by any false representation or other fraudulent act, he shall forfeit to the Company or Municipality owning the road the sum of four dollars and costs, to be recovered summarily before a Justice of the Peace in the manner provided by this Act for the recovery of other penalties. C. S. U. C. c. 49, s. 102.

[Section 103 of C. S. U. C. c. 49 is as follows:—

103. If any person wilfully and maliciously burns, breaks down, injures, cuts, removes or destroys, in whole or in part, any toll-house, turning-pike-gate, wall, lock, chain or other fastening, rail, post, bar or other fence, belonging to any toll-gate or toll-house set up, erected or used for the purpose of preventing the passing by such gate, of persons, carriages or other property liable to the payment of toll at such gate, or any house, building, engine or weighing machine erected or used for the better ascertainment or security of any such toll, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished either by imprisonment in the Provincial Penitentiary for a term not exceeding three years nor less than two years, or by fine and imprisonment in the Common Gaol for any term less than two years, at the discretion of the Court before whom the offender is convicted. 16 V. c. 190, s. 47.]

**137.** In case any person—

(a) Removes any earth, stone, plank, timber or other materials used or intended to be used in or upon any road for the construction, maintenance and repair thereof; or

(b) Drives any loaded wheel carriage or other loaded vehicle upon that part of any road constructed under this or any former Act, between the stones, plank or hard road and the ditch, further than may be necessary in passing another vehicle, or in turning off or upon such road; or

(c) Causes any injury or damage to be done to the bridges, culverts, posts, rails or fences; or

(d) Hauls or draws upon any part of any such road, any timber, stone or other thing carried principally or in part upon wheeled carriages or upon sleighs, so as to drag or trail upon such road to the prejudice thereof; or

- Leaving any carriages on the road. (e) Leaves any waggon, cart or other carriage upon such road without some proper person in the custody or care thereof, longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same; or
- Laying timber, stones, rubbish. (f) Lays any timber, stones, rubbish or other thing whatsoever upon the road, to the prejudice, interruption and danger of any person travelling thereon; or
- Leaving stones in the road used to block carriage. (g) Having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, causes or suffers to remain on such road any stone or other thing with which such cart or carriage had been blocked or stopped; or
- Injuring lamp posts &c. (h) Pulls down, damages, injures or destroys any lamp or lamp post put up, erected or placed in or near the side of such road, or any toll-house erected on such road, or wilfully extinguishes the light of any such lamp; or
- Damaging table of tolls, &c. (i) Wilfully pulls down, breaks, injures or damages any table of tolls put or fixed at any gate, check-gate or bar, on any part of such road, or any sign-board erected by any Company upon any road or bridge constructed by them; or
- Defacing mile posts, &c. (k) Wilfully or designedly defaces or obliterates any of the letters, figures or marks thereon, or on any finger post or mile post or stone; or
- Throwing rubbish into drains. (l) Throws any earth, rubbish or any other matter or thing into any drain, ditch, culvert or other watercourse made for draining any such road; or
- Carrying away any stones, gravel, &c. (m) Without permission carries away any stones, gravel, sand or other materials, dirt or soil from any part of such road, or digs any holes or ditches on the allowance for the same; or
- Allowing swine to run at large. (n) Allows any swine to run at large to the injury of the road;

every such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury has been done, be sentenced to pay all damages sustained by such Company, which damages shall be ascertained by the Justice on hearing the complaint; and also be sentenced to pay a fine of not more than ten dollars nor less than one dollar, together with all costs; which damages, fines and costs shall be paid within a time to be limited by the Justice, and in default thereof the same shall be levied as herein-after provided. C. S. U. C. c. 49, s. 104.

**138.** The Company may impound all swine found running at large on plank roads owned by it, and the pound keepers of Municipalities on the line of such roads shall receive such animals, and shall be entitled to be paid the usual fees, and in default of payment may sell the animals in the usual way, notwithstanding that such animals may be free commoners under the by-laws of their Municipalities. Further protection against swine running at large. 29 V. c. 36, s. 8.

**139.** No Company or Municipality, or contractor, sub-contractor, or person employed by such Company or Municipality, contractor or sub-contractor, shall leave or place upon the graded part of any road constructed or acquired by such Company or Municipality under this Act or any former Act, whether such part of the road is or is not macadamized, gravelled or planked, any stone, gravel, plank, timber or other materials whatsoever so as to prevent the public from using or to impede the free use of the whole of such graded portion of road; and for any offence against this section, such Company, Municipality, contractor or sub-contractor, or other person shall be responsible for all damages arising from the offence; and such contractor, sub-contractor or other person shall also incur a penalty of not less than one dollar, nor more than twenty dollars, to be recovered summarily before a Justice of the Peace in the manner provided by this Act for the recovery of other penalties. Company and their servants not to impede the free use of the whole graded portion of the road. C. S. U. C. c. 49, s. 105. Penalties.

**140.** For offences against the last preceding section in the case of roads owned by Companies, the penalty shall be paid to the Municipality within which such road is situate; and in the case of roads owned by Municipalities, one-half of the fine shall be paid to the complainant, and the residue to the Provincial Treasurer for the public uses of this Province. Application of penalties. C. S. U. C. c. 49, s. 106.

**141.** Every fine and forfeiture authorized to be summarily imposed by this Act, may be recovered upon information and complaint before any Justice of the Peace of the County within which the same has been incurred, and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of a warrant of distress for that purpose, to be issued by the Justice before whom the conviction is had, and in case there are no goods or chattels to satisfy the warrant, the offender may be committed to the Common Gaol of the County for any period not exceeding one month; but nothing in this section contained shall interfere with the provisions made in the one hundred and thirtieth section of this Act, for issuing a warrant of commitment in the first instance upon conviction for any offence therein mentioned. Recovery of fines and forfeitures under this Act. C. S. U. C. c. 49, s. 107.

**142.** In any proceeding or prosecution before a Justice of the Peace under this Act, the Justice may summon the party Party not appearing on summons may

be arrested, or  
the case may  
be heard *ex*  
*parte*.

complained against to appear at a time and place to be named in the summons, and if he does not appear, then upon proof of the due service of the summons upon such party, either personally or by leaving a copy thereof at his usual place of abode, the Justice may proceed either to hear and determine the case *ex parte*, or to issue his warrant for apprehending and bringing the party before himself or some other Justice of the Peace, or the Justice may, if he thinks fit, without previous summons, issue the warrant, and the Justice before whom the party appears or is brought shall hear and determine the case. C. S. U. C. c. 49, s. 108.

Application of  
fines, &c.,  
when not  
otherwise pro-  
vided.

**143.** Each fine and forfeiture collected under this Act shall, unless otherwise provided, be paid to the Treasurer of the Company or Municipality owning the road or other work in respect of which such fine and forfeiture have been imposed for the use of such Company or Municipality. C. S. U. C. c. 49, s. 109.

Suits to be  
brought within  
six months.

**144.** No action or suit shall be brought for any matter or thing done in pursuance of this Act, unless such action or suit is brought within six months next after the fact committed, and the defendant in any such action or suit may plead the general issue only, and on the trial give this Act and the special matter in evidence. C. S. U. C. c. 49, s. 110.

#### MISCELLANEOUS.

Companies  
formed *bona*  
*fide* under  
former Acts  
confirmed, not  
withstanding  
informality in  
their forma-  
tion, &c.

**145.** Notwithstanding any irregularity in the formation, registration or management of any Company for the construction or purchase of any road or other work connected therewith under the provisions of any Act passed before the fourteenth day of June, one thousand eight hundred and fifty-three, and notwithstanding all the requirements of any such Act had not been strictly complied with, all such Companies which had theretofore *bona fide* proceeded in the construction or purchase of any road or other work, shall be held to be duly organized, formed, registered, constituted and managed under such Act; but nothing in this clause contained shall be construed to confirm the establishment or management of any such Company when any irregularity has occurred in the formation, registration or management of the same, unless such Company had *bona fide* proceeded with the construction of or had purchased such road or work before the said fourteenth day of June, one thousand eight hundred and fifty-three. C. S. U. C. c. 49, s. 112.

Must have  
proceeded  
with their  
work.

Directors to  
report annual-  
ly to the pro-  
per Municipi-  
pality.

**146.** The Directors of every Company incorporated under this or any former Act shall, in the month of January in each year, report to the Municipal Council of the County having jurisdiction within the locality through or along the boundary of which the road passes, or wherein the other work has been constructed:



- (a) The cost of the work ;
- (b) The amount of all money expended ;
- (c) The amount of the capital stock, and how much paid in ;
- (d) The whole amount of tolls expended on such work ;
- (e) The amount received during the year from tolls and all other sources, stating each separately ;
- (f) The amount of dividends paid ;
- (g) The amount expended for repairs ; and
- (h) The amount of debts due by the Company, specifying the object for which such debts respectively were incurred. C. S. U. C. c. 49, s. 114.

**147.** Every Company formed under this or any former Act shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the Company. C. S. U. C. c. 49, s. 115.

Company to keep regular books.

**148.** Such book shall be at all times open to the inspection of any person or persons who may for that purpose be appointed by the Municipality having jurisdiction as aforesaid. C. S. U. C. c. 49, s. 116.

Open to the inspection of the Municipality.

**149.** Every such Inspector may take copies or extracts from the books, and may require and receive from the keeper of such books, and also from the President and each of the Directors of the Company, and from all the other officers and servants thereof, all such information as to such books, and the affairs of the Company generally, as such Inspector deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the Company. C. S. U. C. c. 49, s. 117.

And afford the officers of the Municipality all information required.

**150.** After twenty-one years from the time of completing any such road or any other work authorized to be constructed by any Company under this or any former Act, any Municipal authority representing the interests of the locality through or along the boundary of which such road passes, or in which the work is situated, may purchase the stock of the Company at the current value thereof at the time of purchase, and hold the same for the use and benefit of the said locality. C. S. U. C. c. 49, s. 118.

After 21 years from the completion of the work, the proper Municipality may purchase the stock of the Company at its current value.

**151.** If the Company and the Municipality cannot agree upon the value, the same shall be ascertained by Arbitrators to be appointed and to act in the manner hereinbefore provided in other cases ; and such Municipal authority shall thenceforth stand in the place and stead of the Company, and shall possess

Value of stock to be determined by Arbitrators.

all such powers and authority as the Company had theretofore possessed and exercised. C. S. U. C. c. 49, s. 119.

Certain secs.  
to apply to all  
toll roads.

**152.** The provisions contained in the twelfth to thirty-third, forty-first, forty-third to fifty-fifth, sixtieth to sixty-fourth, sixty-sixth to seventy-second, seventy-fourth, seventy-fifth, seventy-eighth and eighty-second to one hundred and fifty-first sections of this Act, all inclusive, shall extend and apply to all Road Companies, in the collection of tolls and otherwise, whether such roads were constructed under this or any Act in the second section of this Act referred to, or constructed by or belonging to the Municipality of any County, and to all toll roads which may have been purchased from the Government of the late Province of Canada and now are owned or held by private Companies or Municipal Councils.

Certain secs.  
to apply to all  
Road Cos.  
having a  
special charter

2. The provisions contained in the fifteenth to thirty-third, forty-third, sixtieth to sixty-fourth, sixty-sixth to seventy-fifth, eighty-second, eighty-third, eighty-ninth to ninety-third, ninety-fifth to one hundred and forty-fourth, one hundred and fiftieth and one hundred and fifty-first sections, all inclusive, and this provision shall extend to Road Companies having any special charter, but no other sections of this Act shall apply to such Companies. C. S. U. C. c. 49, s. 121; 35 V. c. 33, s. 10.

## SCHEDULE "A."

(Sections 4 and 57.)

### INSTRUMENT OF INCORPORATION OF A ROAD COMPANY.

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_, we, the undersigned Shareholders, met at \_\_\_\_\_ in the County of \_\_\_\_\_, in the Province of Ontario, and resolved to form ourselves into a Company, to be called *(here insert the corporate name intended to be taken by the Company)*, according to the provisions of chapter 152 of "The Revised Statutes of Ontario," entitled "*An Act, &c. (insert the title of the Act)*", for the purpose of constructing a road from *(the commencement of the intended road)* to *(the termination thereof, describing the line of intended road, or other such work as aforesaid)*. And we do hereby declare that the Capital Stock of the said Company shall be \_\_\_\_\_ dollars, to be divided into \_\_\_\_\_ shares, at the price or sum of twenty dollars each; and we the undersigned Shareholders do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations and By-laws of the said Company, to be made or passed in that behalf;

and we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

SCHEDULE "B."

(Section 61.)

INSTRUMENT OF INCORPORATION OF A CONSOLIDATION OF COMPANIES.

Be it remembered, that on the            day of           , in the year of our Lord one thousand eight hundred and           , the Shareholders of the "Township of            Road Company" (*as the case may be*), and the Shareholders of the "Town or Municipality of            Road Company" (*as the case may be*), met at           , in the County of           , and then and there, by a majority of the Shareholders holding or representing at least two-thirds of the Capital Stock of each of the said Companies respectively, resolved to unite the said Companies into one Consolidated Incorporated Company, to be called the            Consolidated Road Company           , according to the provisions of the sixtieth, sixty-first and sixty-second sections of chapter 152 of "*The Revised Statutes of Ontario*," entitled "*An Act (here insert title of this Act)*", upon the terms following, that is to say :  
(*here set out the terms upon which the Companies agree to unite.*) And we do hereby declare that the Capital Stock of the said United Company is            (*as the case may be*), divided into            shares of twenty dollars each.

In testimony whereof, we have hereunto set our hands and affixed the seals of the said respective Companies this            day of           , one thousand eight hundred and           .

A. B., President, &c.  
C. D., President, &c.

[L. S.]  
[L. S.]

## CHAPTER 153.

## An Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of Timber down Rivers and Streams.

Incorporation, ss. 1-7.

Conditions to be performed before commencing works, ss. 8-11.

By-laws, ss. 12-15.

Directors, ss. 16-26.

Annual Report to the Commissioner of Public Works, s. 27.

Books to be kept, s. 28.

Extension of the works or capital, ss. 29-32.

Calls on stock, ss. 33-40.

Arbitration proceedings to ascertain compensation for lands taken, &c., by Co., ss. 41-52.

Company not to take mill sites without consent of owner, s. 53.

Where no damages recoverable for overflowing lands, s. 54.

Company not to obstruct navigable waters. s. 55.

Rights as to water powers created by Company's works, s. 56.

Tolls, ss. 57-65.

Offences and penalties :

Malicious injury to works, C. S. C. c. 68, s. 67, p. 1393.

Impeding operations of Company, s. 66.

Recovery of penalties, ss. 67-69.

Appropriation of penalties, s. 70.

Limitation of actions against persons acting under this Act, s. 71.

Miscellaneous :

Time for completion of works, s. 72.

Repair of works, s. 73.

Union of Companies, s. 74.

Dissolution of Company, s. 75.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Companies may be formed for the improvement of rivers and streams.

**1.** Any number of persons not less than five may form themselves into a Company under the provisions of this Act, for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in this Province, and for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or otherwise of improving the navigation of such streams for the said purpose. C. S. C. c. 68, s. 1

Shares to be \$20 each and to be personal property.

**2.** Each share in the Company shall be twenty dollars, and shall be regarded as personal property, and shall be transferable upon the books of the Company, in the manner provided by a by-law to be made by the Directors in that behalf. C. S. C. c. 68, s. 2.

Not to interfere with public or private

**3.** No such Company shall construct any such works over or upon or otherwise interfere with or injure any private property



or the property of the Crown, without first having obtained the consent of the owner, or occupier thereof, or of the Crown, except as hereinafter provided. C. S. C. c. 68, s. 3.

property without the consent of the Crown or of the owners.

4. No such Company shall be formed under the provisions of this Act to improve any river or stream, for the improvement of which any other Company has been formed either under this Act or any other Act of the Legislature, or upon which there is constructed any Provincial work, without the consent of such other Company or of the Lieutenant-Governor in Council respectively, which consent shall be formally expressed in writing, and shall be registered, together with the instrument by which such Company has been incorporated, as hereinafter provided. C. S. C. c. 68, s. 4.

Not to interfere with other Companies or with public works without consent.

5. In case five or more persons, having formed themselves into a Company under this Act, have subscribed stock to an amount adequate in their judgment to the construction of the intended work, they shall execute an instrument in duplicate according to the form in the Schedule to this Act; and the Company or one of their number, or the Directors named in the said instrument, shall pay to the Treasurer of the Company six per cent. upon the amount of the capital stock of the Company mentioned in the said instrument, and shall register the instrument, together with a receipt from the Treasurer of the Company, for the payment or instalment of six per cent., and also the approval in writing of the Commissioner of Public Works mentioned in the tenth section of this Act. C. S. C. c. 68, s. 5.

Five or more having subscribed stock may execute an instrument.

6. Registration shall be made by leaving one of the original instruments and the receipt and approval aforesaid, with the Registrar of any one County or other Registration Division in which the intended works are wholly or partly situated, or are intended to be made, and such Registrar shall copy the said instrument, receipt and approval into a book to be provided by him for that purpose, and shall afterwards retain and file the said original documents in his office, and for such registration the Registrar shall be entitled to charge the same fees as for the registration of a deed. C. S. C. c. 68, s. 6.

How registration to be made.

7. In all cases where a shareholder has not paid six per cent on the share or shares held by him, but some other party pays the same on his behalf, the party so paying may recover the amount as a debt, in any competent Court, although not previously authorized to pay the money on behalf of such shareholder. C. S. C. c. 68, s. 7.

Persons paying six per cent. per share on behalf of defaulters may recover the amount.

8. Every Company, before commencing any of the works in its contemplation, shall cause a report to be laid before the Commissioner of Public Works, and a copy of such report before the Municipal Council of the County in which such works

Before works commenced a report to be made to the Commissioner of Public

Works and to  
the Municipal  
Councils.

are proposed to be situated ; or if the works are situate in more than one County, then before the Municipal Councils of the Counties in or on the boundaries of which such works are proposed to be situated ; or if such proposed works are in unsurveyed lands not contained within the bounds of any County, then before the Commissioner of Public Works alone. C. S. C. c. 68, s. 8.

Contents of  
report.

9. The report shall contain—

1. A copy of the instrument by which the Company is incorporated ;

2. A detailed description of the works to be undertaken, and an estimate of their cost ;

3. An estimate from the best available sources of the quantity of different kinds of timber expected to come down the river yearly after the works have been completed ; and

4. A Schedule of the tolls proposed to be collected. C. S. C. c. 68, s. 9.

When works  
may be com-  
menced.

10. The Company shall not commence any such works until the approval of the Commissioner of Public Works has been signified in writing, nor until after the expiration of thirty days from the laying the report or reports aforesaid before the Municipal Council or Councils (as the case may be), although the approval of the Commissioner of Public Works has been signified in writing before the expiration of that period. C. S. C. c. 68, s. 10.

When the  
Company to  
become char-  
tered.

11. When the requirements contained in the preceding sections have been complied with, the Company shall become a chartered and incorporated Company, by the name designated in the instrument so to be registered as aforesaid ; and by such name they and their successors shall be capable of purchasing, holding and conveying, selling and departing with any lands, tenements and hereditaments whatsoever, which may be useful and necessary for the purposes of the Corporation ; and every such work as aforesaid, and all the materials from time to time provided for constructing, maintaining or repairing the same, shall be vested in such Company and their successors. C. S. C. c. 68, s. 11.

By-laws may  
be made and  
altered.

12. Every such Company may make by-laws, and from time to time alter and amend the same, for the purpose of regulating the safe and orderly transmission of timber over or through the works of the Company, and the navigation therewith connected. C. S. C. c. 68, s. 12.

**13.** Copies of such by-laws shall be annexed to the reports required to be made by the Company by the eighth and ninth sections of this Act, and copies of all new by-laws and of all amended by-laws shall be annexed to the annual reports required by the twenty-seventh section of this Act. C. S. C. c. 68, s. 13.

Copies of the by-laws to accompany the reports.

**14.** No such by-law or amended by-law shall have any force until one month after it has been included in such report; but if at the end of one month such by-law has not been disallowed, as it may be by the Commissioner of Public Works, it shall have full force and be binding upon the Company and upon all persons using the works. C. S. C. c. 68, s. 14.

When by-laws to come into force.

**15.** No such by-law shall impose any penalties or shall contain anything contrary to the true meaning and intention of this Act. C. S. C. c. 68, s. 15.

As to imposing penalties.

**16.** The affairs, stock, property and concerns of every such Company shall, for the first year, be managed and conducted by five Directors, to be named in the instrument so to be registered as aforesaid, and thereafter to be annually elected by the shareholders, on the second Monday of December, according to the provisions of a by-law to be passed by the Directors for that purpose. C. S. C. c. 68, s. 16.

Management of affairs for the first year.

**17.** Such by-law shall regulate—

1. The manner of voting ;

2. The place and hour of meeting for the election of Directors ; and

3. Any other matters, except the day of election, which the Directors deem necessary to carry out the provisions of this and the last preceding section. C. S. C. c. 68, s. 17.

**18.** Such by-law shall be published for three successive weeks in the newspaper or one of the newspapers, nearest the place where the Directors of the Company usually meet for the transaction of business. C. S. C. c. 68, s. 18.

To be published.

**19.** The Directors may alter, change or amend any such by-law, and such amended by-law shall be published in the manner above provided. C. S. C. c. 68, s. 19.

May be amended.

**20.** If the annual election of Directors does not take place at the time appointed, the Company shall not thereby be dissolved, but the Directors for the time being shall in that case continue to serve until another election of Directors has been held. C. S. C. c. 68, s. 20.

A failure to elect Directors provided for.

When new election to be held.

**21.** Another election when necessary shall be held within one month after the time appointed by law, and at a time which shall be provided for by by-law to be passed by the Directors of the Company for that purpose. C. S. C. c. 68, s. 21.

Who to be electors.

**22.** At any election of Directors, each shareholder shall be entitled to one vote for every share he holds in the Company, and upon which he is not in arrear on any call in respect thereof. C. S. C. c. 68, s. 22.

Who qualified to be Directors.

**23.** Any person being a shareholder and not in arrear as aforesaid, shall be eligible as a Director. C. S. C. c. 68, s. 23.

Quorum.

**24.** A majority of the Directors shall be a *quorum* for the transaction of business. C. S. C. c. 68, s. 24.

A President to be elected by the Directors.

**25.** The Directors may elect one of their number to be the President, and may nominate and appoint such officers and servants as they deem necessary; and in their discretion may take security from such officers and servants respectively for the due performance of their duties, and that they will duly account for all moneys coming into their hands to the use of the Company. C. S. C. c. 68, s. 25.

Vacancies amongst Directors how filled.

**26.** If any vacancy happens amongst the Directors during the current year of their appointment, such vacancy shall be filled up for the remainder of the year by a person nominated by a majority of the remaining Directors, unless it is otherwise provided by some by-law or regulation of the Company. C. S. C. c. 68, s. 26.

Directors to report yearly to the Commissioner of Public Works.

**27.** The Directors of every Company incorporated under this Act shall annually in the month of January make a report to the Commissioner of Public Works, which report shall be under the oath of the Treasurer of the Company, and shall specify—

What the report is to contain.

1. The cost of the work ;
2. The amount of all money expended ;
3. The amount of the capital stock, and how much paid in ;
4. The whole amount of tolls expended on such work ;
5. The amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber ;
6. The amount of dividends paid ;



7. The amount expended for repairs ; and

8. The amount of debts due by the Company, specifying the objects for which the debts respectively were incurred. C. S. C. c. 68, s. 27.

**28.** Every Company shall keep regular books of accounts, in which shall be entered a correct statement of the assets, receipts and disbursements of the Company, and such books shall be at all times open to the inspection and examination of any shareholder or any person for that purpose appointed by the Commissioner of Public Works, and every such Inspector may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the President and each of the Directors of the Company, and all the other officers and servants thereof, all such information as to such books, and the affairs of the Company generally, as the Inspector deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the Company, so as to enable such Inspector to ascertain whether the tolls levied upon such work are greater than this Act allows to be levied. C. S. C. c. 68, s. 28.

Every Com-pany to keep regular books of account.  
To be open to inspection.

**29.** If at any time after the formation of any such Company, the Directors are of opinion that it is desirable to alter, improve or extend the said work, or that the original capital subscribed will not be sufficient to complete the work contemplated, the said Directors, under a resolution to be passed by them for that purpose, may issue debentures, for sums not less than one hundred dollars each, signed by the President and countersigned by the Treasurer of the Company, and not exceeding in the whole one fourth of their paid-up capital, or may borrow upon security of the Company, by bond or mortgage of the works and tolls thereon a sufficient sum to complete the same, or may authorize the subscription of such number of additional shares as may be named in their resolution, a copy whereof, under the hand of the President and seal of the Company, shall be engrossed at the head of the subscription list to be opened for subscribers to the additional shares. C. S. C. c. 68, s. 29.

Provision for extending the works or capital.

**30.** When such a number of new shares have been subscribed as the Directors deem it desirable to have registered, the President shall deliver such new list of subscribers to the Registrar who has custody of the original instrument, and he shall attach such new list of subscribers thereto, and such list shall thenceforth be held and taken to be part and parcel of the said instrument. C. S. C. c. 68, s. 30.

New shares to be registered, and effect thereof.

**31.** All the subscribers to such list, and those who afterwards enter their names as subscribers thereon, with the consent of the Directors, signified by a resolution of the Board

Rights and liabilities of new subscribers.

under the hand of the President and seal of the Company, shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages of original subscribers, as well with respect to the first works undertaken as to any extension or alteration thereof as aforesaid, and such list and the subscriptions thereon shall thenceforth be considered as part and parcel of the original undertaking. C. S. C. c. 68, s. 31.

How additional stock to be called in.

**32.** Such additional shares and stock shall be called in, demanded and recovered, in the same manner and under the same penalties as provided or authorized in respect of the original shares or stock of the Company. C. S. C. c. 68, s. 32.

Directors may make calls not exceeding ten per cent. at any one time.

**33.** The Directors may call in and demand from the shareholders of the Company respectively, all sums of money by them subscribed, at such time and in such payments or instalments, not exceeding ten per cent. at any one time, as the Directors deem proper, upon notice requiring such payment, published for four successive weeks in the newspaper or one of the newspapers nearest the place where the Directors of the Company usually meet for the transaction of business. C. S. C. c. 68, s. 33.

If calls not paid, shares forfeited.

**34.** Any shareholder neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares, which forfeiture shall go to the Company for the benefit thereof. C. S. C. c. 68, s. 34.

Forfeiture to be declared, and at a general meeting.

**35.** No advantage shall be taken of the forfeiture, unless the stock is declared to be forfeited at a general meeting of the Company, assembled at any time after such forfeiture has been incurred. C. S. C. c. 68, s. 35.

Such forfeiture to discharge shareholders *inter se*.

**36.** Such a forfeiture shall be an indemnification to the shareholder so forfeiting, against all actions, or prosecutions whatever, for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on such undertaking. C. S. C. c. 68, s. 36.

The Company may sue for calls after due notice.

**37.** The Company may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, and recover of or from any shareholder in the Company, the amount of any call or calls of stock which such shareholder has neglected to pay after public notice thereof for two weeks in the newspaper, or one of the newspapers, published nearest the place where the Directors of the Company usually meet for the transaction of business. C. S. C. c. 68, s. 37.

Form of declaring for calls.

**38.** In any suit by the Company, against a shareholder, brought to recover the money due for any call, it shall not be

necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more, stating the number of shares in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), whereby an action has accrued to the Company, by virtue of this Act. C. S. C. c. 68, s. 38.

**39.** On the trial or hearing of any such suit, it shall be sufficient for the Company to prove that the defendant, at the time of making the call, was a holder of one share or more in the undertaking (of which when there has been no transfer of the shares, proof of subscription to the original agreement to take stock shall be sufficient evidence to the amount subscribed), and to prove that such call was in fact made, and such notice thereof given as is required; whereupon the Company shall be entitled to recover the amount due upon such call, with interest thereon, unless it appears that due notice of such call was not given, and it shall not be necessary for the Company to prove the appointment of the Directors who made the call, or any other matter whatever. C. S. C. c. 68, s. 39.

Proof to be given at the trial.

**40.** The oath of the Treasurer shall be deemed sufficient proof of such notice, and a copy thereof shall be filed in the office of the Clerk of the Court where the trial takes place. C. S. C. c. 68, s. 40.

Treasurer's oath to be proof of notice.

**41.** If upon demand made by the Directors of the Company, the owner or occupier of any land, over, through or upon which the Company desires to construct any such work, or which would be flooded or otherwise interfered with, or upon which any power given by this Act to the Company is intended to be exercised, neglects or refuses to agree upon the price or amount of damages to be paid for, or for passing through or using such land, or for flooding or otherwise interfering with the same, and for appropriating the same to and for the use of the Company, or for the exercise of any such power as aforesaid, the Company may name one Arbitrator, and the owner or occupier of such land may name another Arbitrator, and the said two Arbitrators may name a third, to arbitrate and determine upon the amount which the Company shall pay before taking possession of such land or exercising such power, and the decision of any two of the said Arbitrators shall be final. C. S. C. c. 68, s. 41.

When matters respecting compensation to be submitted to arbitration.

**42.** In ascertaining the amount aforesaid, due attention shall be had by the Arbitrators to the benefits which will accrue to the party demanding compensation, by the construction of the intended works. C. S. C. c. 68, s. 42.

Arbitrators to consider advantages as well as disadvantages.

**43.** The Company may tender the sum awarded to the party claiming compensation, who shall thereupon be bound to execute.

Upon tender of the sum awarded, the

Company entitled to a conveyance.

cute a conveyance of the land to the Company, or such other document as may be requisite; and the Company, after such tender, whether a conveyance or other document has been executed or not, may enter upon and take possession of the land, to and for the uses of the Company, and may hold the same, or exercise such power as aforesaid, in the same manner as if a conveyance thereof or other document had been executed. C. S. C. c. 68, s. 43.

When the Judge, &c., to name an arbitrator.

**44.** If any such owner or occupier neglects to name an Arbitrator for the space of twenty days, after having been notified so to do by the Company, or if the said two Arbitrators do not within the space of twenty days after the appointment of such second Arbitrator agree upon a third Arbitrator, or if any one of the said Arbitrators refuses or neglects, within the space of ten days after his appointment, to take upon himself the duties thereby imposed, then, upon the application of the Company, or of the other party, the Judge of the County Court of the County within which the land lies, shall nominate a disinterested competent person, from any Township adjoining the Township in which such land is situate, to act in the place of the Arbitrator so refusing or neglecting; and every Arbitrator so appointed by the Judge of the County Court, shall hear and determine the matter to be submitted to him, with all convenient speed, after he has been so nominated as aforesaid; and any award made by a majority of the Arbitrators shall be as binding as if the three Arbitrators had concurred in and made the same. C. S. C. c. 68, s. 44.

How Company to proceed in the case of lands of absentees.

**45.** In case any lands required by the Company for the purpose of any such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person, body politic, corporate or collegiate, whose residence is not within this Province or is unknown to the Company, or in case the title to any such lands is in dispute, or in case such lands are mortgaged, or in case the owner or owners of such lands are unknown, or unable to treat with the Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, the Company may nominate and appoint one indifferent person and the Judge of the County Court where such lands are situate, on the application of the Company, may nominate and appoint one other disinterested competent person from any Township adjoining the Township in which such lands are situate, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice, with one other person to be appointed by such Judge as aforesaid before the others proceed to business, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the Company shall pay to the party entitled to receive the same, for the said lands or damages as aforesaid, and the decision of a majority of such Arbitrators shall be binding. C. S. C. c. 68, s. 45.



**46.** When demanded, the Company shall pay or cause to be paid to the several parties entitled to the same, the amount so awarded. C. S. C. c. 68, s. 46.

Amount of award to be paid on demand.

**47.** A record of the award shall be made up and signed by the Arbitrators, or a majority of them, specifying the amount awarded and the costs of arbitration, which may be settled by the said Arbitrators, or a majority of them; and such record shall be deposited in the Registry Office of the County or other Registration Division in or along which such lands are situate, and the Company may thereupon enter and take possession of such land to and for the uses of the Company, and may proceed with the construction of the works affecting the same. C. S. C. c. 68, s. 47.

A record of the award to be drawn up and registered.

**48.** The expenses of any Arbitration under this Act shall be paid by the Company, and by them be deducted from the amount of the award on payment thereof to the parties entitled to receive the same, if the Company, before the appointment of their Arbitrator, had tendered an equal or greater sum than that awarded by the Arbitrators, otherwise such expense shall be borne by the Company, and the Arbitrators shall specify in their award by which of the parties the said costs shall be paid. C. S. C. c. 68, s. 48.

Costs of reference to be paid by the Company, &c.

**49.** All lands taken by the Company, for the purpose of any such work, and which have been purchased and paid for by the Company, in the manner hereinbefore provided, shall become the property of the Company, free from all mortgages, incumbrances and other charges. C. S. C. c. 68, s. 49.

When lands taken to become the property of the Company.

**50.** The Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said Arbitrators or a majority of them shall, within thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount in dispute. C. S. C. c. 68, s. 51.

How arbitrators to proceed.

**51.** In case there is already established by any party other than a Company formed under this Act or some other Act of the late Province of Canada, or of this Province, any slide, pier, boom, or other work intended to facilitate the passage of timber down any water, for the improvement of which a Company is formed under this Act, such Company may take possession of the works, and the owners thereof, or (if they have been constructed on the property of the Crown) the persons at whose cost they have been constructed, may claim a compensation for the value of such works either in money or in stock of such Company, at the option of such owner or the person at whose

If timber slides, &c., erected by others be assumed by the Company, how compensation to be made.

cost the same was constructed, and may become shareholders in the said Company for an amount equal to the value of such works (such value to be ascertained by Arbitrators appointed in the manner hereinbefore provided); and all the provisions of the forty-fifth to the forty-ninth sections of this Act shall apply to such work and the proprietors or possessors thereof in the same manner and to the same extent as to lands acquired by such Company and to the proprietors and occupiers thereof. C. S. C. c. 68, s. 52.

When sections 8 & 9 need not be complied with.

**52.** And in case any such Company purchases or takes possession of such works as aforesaid, and does not make or construct any other works than those so acquired, it shall not be requisite for the Company to observe the formalities required by the eighth and ninth sections of this Act, excepting only that such Company shall furnish the Commissioner of Public Works with the report and copy of report in the said sections mentioned. C. S. C. c. 68, s. 53.

Mill sites, &c. not to be taken without the consent of the owner.

**53.** Nothing herein contained shall authorize any Company formed under this Act to take possession of, or in anywise injure any mill site upon which there are existing any mills or machinery, or any hydraulic works other than those intended to facilitate the passage of timber; and no Company formed under this Act shall commence any work which interferes with or endangers any such occupied mill site, without the assent in writing of the proprietor thereof previously obtained, or an award of Arbitrators appointed as herein provided, to the effect that the proposed works will not injure such mill site, which assent or award shall be registered in the same manner as the instrument of incorporation of such Company. C. S. C. c. 68, s. 54.

Sections 15 & 16 of Rev. Stat. c. 113, to apply.

**54.** The provisions of the fifteenth and sixteenth sections of *The Act respecting Mills and Mill Dams*, shall extend to similar land overflowed by any of the works constructed by any Company formed under this Act. C. S. C. c. 68, s. 55.

Navigable waters not to be obstructed. Tolls to be on timber only.

**55.** Nothing herein contained shall authorize any Company formed under this Act to obstruct any waters already navigable, or to collect any tolls other than those upon timber. C. S. C. c. 68, s. 56.

Rights of parties as to water powers created by the Company.

**56.** If by reason of any dam erected by a Company formed under this Act, any fall or water power is created, the Company shall in nowise have any title or claim to the use of such water power; nevertheless, if the owner or occupier of the land adjoining has made a claim for compensation for damages arising from such dam, the Arbitrators may take into account the increased value of his property by reason of the water power so created. C. S. C. c. 68, s. 57.

**57.** The tolls for the first year shall be calculated upon the estimates hereinbefore required to be made of the cost of the works, and the quantity of different kinds of timber expected to pass down the stream, and the tolls in all future years shall be calculated upon the cost of the works and the quantity of different kinds of timber expected to pass down the stream, and the receipts and expenditure, according to the accounts of the then next preceding year, as rendered in accordance with the provisions of the twenty-seventh and following sections of this Act; and the tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and collecting the tolls, the balance of the receipts may as nearly as possible be equal and in no case exceed ten dollars for every hundred expended and invested in the said works; and if in any year the receipts from tolls are such, that, after defraying all the current expenses, there remains a clear profit of more than ten dollars upon every hundred of the capital expended, there shall nevertheless be divided amongst the shareholders no greater dividend than after the rate of ten dollars for every hundred, and the remainder shall be carried over to the receipts of the following year. C. S. C. c. 68, s. 58.

Principle on which tolls to be calculated.

**58.** The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz. :

Ratio of tolls.

		\$	cts.
Red and White Pine.....	per piece .....	0	1 <sup>2</sup> / <sub>3</sub>
Oak, Elm and other hard wood	“ .....	0	2 <sup>1</sup> / <sub>2</sub>
Spars .....	“ .....	0	5
Masts .....	“ .....	0	8 <sup>1</sup> / <sub>3</sub>
Saw Logs.. .....	“ .....	0	<sup>5</sup> / <sub>8</sub>
Sawed Lumber per M. board measure .....		0	1 <sup>2</sup> / <sub>3</sub>
Staves per M .....		0	25
Firewood, shingle bolts, and other timber per cord,		0	3 <sup>1</sup> / <sub>2</sub>

C. S. C. c. 68, s. 59.

**59.** The annual account required to be rendered by every Company shall contain a schedule of the tolls, calculated as aforesaid, which it is proposed to collect in the following year, and if it has not been notified to the President of the Company, on or before the fifteenth day of March in each year, that the schedule of tolls has been disallowed by an order of the Commissioner of Public Works, the President of the Company shall cause the said schedule of tolls to be published for the space of one month in some newspaper published within the County or Counties, District or Districts in which or nearest to which such works are situate, and such tolls so published shall be the lawful tolls for that year; but if it appears to the Commissioner of Public Works that the proposed schedule of tolls has not been calculated according to the true intent and meaning of this Act, such Commissioner may, by an instrument under his

The annual account to be rendered by the Company to contain a schedule of tolls.

hand, alter or vary the said schedule of tolls so as to make them correspond with the true meaning of this Act; and such amended schedule of tolls shall be notified to the President of the Company, and shall by him be published as aforesaid, and shall be the lawful tolls for that year. C. S. C. c. 68, s. 60.

Company may demand of owner statement of quantity of timber liable to toll.

**60.** Every such Company may demand from the owner of any timber intended to be passed through any portion of the works of the Company, or from the person in charge of the same, a written statement of the quantity of each kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass, and if no such written statement is given when required, or a false statement is given, the whole of such timber, or such part of it as has been omitted by a false statement, shall be liable to double toll. C. S. C. c. 68, s. 61.

Penalty of double toll for refusal or false statement.

On what timber toll may be taken.

**61.** Every such Company may demand and receive the lawful toll upon all timber which has come through or over any of the works of the Company; and the Company, by its servants, shall have free access to all such timber for the purpose of measuring or counting the same. C. S. C. c. 68, s. 62.

Right of Company to examine.

May sue for tolls.

**62.** If the just tolls are not paid on demand, the Company may sue for the same in any Court of competent jurisdiction, and recover from the owner of the timber the amount of the tolls and the costs of suit. C. S. C. c. 68, s. 63.

If full toll tendered, Company liable to costs.

**63.** If the owner of the timber objects to the amount of tolls demanded, and tenders a sum which he claims to be the true and just amount of the tolls, the Company shall pay the costs of the suit, unless the judgment obtained is for a greater amount than the sum so tendered. C. S. C. c. 68, s. 64.

Toll to be apportioned to the extent of the works used.

**64.** If timber has not come through or over the whole of the works of the Company, but only through or over a part thereof, the owner of the timber shall only be liable to pay tolls for such sections of the whole works as he has made use of, if in the schedule of tolls the work is divided into sections, and if not, then to pay such a portion of the whole toll as the distance such timber has come through the works, bears to the whole distance over which such works extend. C. S. C. c. 68, s. 65.

When and how timber may be seized for tolls.

**65.** If the true owner of any timber which has passed through any of the works of the Company cannot be ascertained, or if there are reasonable grounds to apprehend that the tolls thereon have not been paid by the owner or reputed owner or person in charge, any Mayor, Reeve or Justice of the Peace having jurisdiction within the locality through or adjoining which such navigation extends, or where the timber may be found, if within twenty miles of any such works, shall, upon the oath of any Director or servant of the Company that the



just tolls have not been paid, issue a warrant for the seizure of such timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any Constable or any person sworn in as a Special Constable for that purpose, at the discretion of the Magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell the said timber, and out of the proceeds to pay to the Company the just tolls, together with the costs of the warrant and sale, rendering the surplus on demand to the owner. C. S. C. c. 68, s. 66.

## OFFENCES AND PENALTIES.

[Section 67 of C. S. C. c. 68, enacts as follows :—

67. If any person wilfully and maliciously burns, breaks down, injures, cuts, removes or destroys, in whole or in part, any dam, pier, slide, boom or other work of any such Company, or any chain or other fastening attached thereto, or wilfully and maliciously impedes or blocks up any channel or passage intended for the transmission of timber, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment in the Common Gaol for any term not exceeding one year, at the discretion of the Court before whom the offender is convicted. 16 V. c. 191, s. 28.]

Penal consequences of malicious injuries

See also 32-33 V. c. 22, s. 11 (D).

66. If any person resists or impedes any of the servants of any such Company in the transmission of any timber through any such works, or in carrying out any regulations of the Company for the greater safety and regularity of such transmission, or resists any such servants who may require access to any raft or other timber to ascertain the just tolls thereon, or in any way molests such Company or its servants in the exercise of any rights secured to them by this Act, such person shall, upon conviction thereof in a summary way before a Justice of the Peace having jurisdiction in the locality in or adjoining which the offence has been committed, be sentenced to pay a fine of not more than ten dollars nor less than one dollar, together with all costs, to be paid within a time to be limited by the said Justice, and in default to be levied as next hereinafter provided. C. S. C. c. 68, s. 68.

Impeding the operation of the Company.

67. In any proceeding or prosecution before any Justice of the Peace under this Act, the Justice may summon the party complained against to appear at a time and place to be named in the summons, and if he does not appear accordingly, then upon proof of the due service of the summons upon such party, either personally or by leaving a copy thereof at his usual place of abode, or with any adult person belonging to the raft to which such party is attached, the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending and bringing such party before himself or some other Justice of the Peace, or the Justice may, without previous summons, issue such warrant, and the Justice before

How Justices to proceed in prosecutions under this Act.

whom the parties appear or are brought shall proceed to hear and determine the case. C. S. C. c. 68, s. 69.

How fines,  
&c., recover-  
able

**68.** The fines and forfeitures authorized to be summarily imposed by this Act may be recovered upon information and complaint before any Justice of the Peace of the County within which the same have been incurred, and shall be levied and collected by distress and sale of the offender's goods and chattels, under the authority of a warrant of distress for that purpose, to be issued by the Justice before whom the conviction has been had. C. S. C. c. 68, s. 70.

If no goods,  
offender to be  
imprisoned.

**69.** In case there are no goods or chattels to satisfy such warrant, the offender shall be committed to the Common Gaol of the District or County for any period not exceeding one month. C. S. C. c. 68, s. 71.

*[The original section adds the following :—*

But this section shall not prevent the issuing of a warrant of commitment in the first instance, upon a conviction for any offence mentioned in the sixty-seventh section of this Act.]

Fines, &c., to  
be paid to the  
Treasurer of  
the Company.

**70.** All fines and forfeitures collected under the authority of this Act shall be paid to the Treasurer of the Company owning the work in respect of which such fines and forfeitures have been imposed, for the use of the Company. C. S. C. c. 68, s. 72.

Limitation of  
actions.

**71.** Any suit against any person for any matter or thing done in pursuance of this Act, shall be brought within six months next after the fact committed, and not afterwards; and the defendant therein may plead the general issue only, and give this Act and the special matter in evidence on the trial. C. S. C. c. 68, s. 74.

#### MISCELLANEOUS.

Within what  
time works to  
be completed,  
&c.

**72.** Every such Company shall, within two years from the day of their becoming incorporated, complete each and every work undertaken by them, and for the completion whereof they may be incorporated; in default whereof they shall forfeit all the corporate and other powers and authority which they have in the meantime acquired, and all their corporate powers shall thenceforth cease and determine; unless further time is granted by a by-law of the County or Counties, District or Districts in or adjoining which the work is situate; and if any Company formed under this Act, for the space of one year abandons any works completed by them, so that the same are not in sufficient repair and cannot be used for the purpose proposed in the instrument of incorporation of the Company, then the corporate powers of the Company shall cease and determine. C. S. C. c. 68, s. 75.

**73.** After any works constructed by a Company under this Act have been completed and tolls established, the Company shall keep the same in good and sufficient repair; and if any such works have not been constructed according to the description given thereof in the report required by the ninth section of this Act, or have become insufficient or out of repair, any person interested in the navigation may serve upon any servant of the Company a notice of such insufficiency, and if within a reasonable time after the service of such notice the necessary repairs have not been completed, such Company shall be liable for the damage which any person may sustain from the continuance of such insufficiency; but no Company formed under this Act shall be held liable for any damage, so long as their works are in accordance with the description or specification thereof in the original instrument required to be registered, or in any description or specification subsequently approved of and registered, nor for any damage arising from the accidental destruction or injury of their works, but only for the damage which may arise from the wilful neglect of the Company after notice served upon one of its servants, as hereinbefore provided. C. S. C. c. 68, s. 76.

Works to be kept in good repair.

**74.** Any two Companies formed for the construction of works on any streams contiguous to each other, may unite and form one consolidated Company, on such terms as to them seem meet; and the name of such united Companies to be then assumed shall thenceforth be the corporate name thereof, and such united Companies may then exercise and enjoy all the rights, and shall be subject to all the liabilities of other Companies formed under the provisions of this Act, and which the separate Companies had and enjoyed or were subject or liable to before the union thereof. C. S. C. c. 68, s. 77.

When Companies may be united.

**75.** Whenever it is found expedient for the public service, the Lieutenant-Governor in Council may declare any Company formed under this Act dissolved, and may declare all the works of any such Company, Provincial Works, upon payment to such Company of the then actual value of the works, to be decided by Arbitrators, one of whom shall be appointed by the Commissioner of Public Works, and one by the Company, and if they do not agree to an award, the Judge of the County Court for the County in or adjoining which the works are situate, shall be the third Arbitrator. C. S. C. c. 68, s. 79.

When the Lieutenant-Governor in Council may declare a Company dissolved.

Arbitration in such case.

## SCHEDULE.

(Section 5.)

### INSTRUMENT OF INCORPORATION.

Be it remembered, that on this                      day of                      , in the year.





1. Any number of persons, not less than five, may form themselves into a Company for the purpose of constructing a pier or wharf, or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith. C. S. U. C. c. 50, s. 1.

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, we, the undersigned Shareholders, met at \_\_\_\_\_, in the \_\_\_\_\_ County of \_\_\_\_\_, in the Province of Ontario, and resolved to form ourselves into a Company, to be called *(insert the name intended to be taken by the Company)*, according to the provisions of Chapter 154, of "*The Revised Statutes of Ontario*," entitled "*An Act, respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours*," for the purpose of constructing a Pier (or Piers), Wharf (or Wharves), and making (or dredging) a Harbour (or constructing a Dry Dock) at *(name of the place)*. And we do hereby declare that the Capital Stock of the said Company shall be \_\_\_\_\_ dollars, to be divided into \_\_\_\_\_ shares, at the price or sum of twenty dollars each. And we, the undersigned Shareholders, do hereby agree to take and accept the number of shares set by us opposite our respective signatures; and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations, Resolutions and By-laws of the said Company to be made or passed in that behalf; and we do hereby nominate *(the names to be here inserted)* to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.

And the said shareholders shall register such instrument with the Registrar of the County or other Registration Division in which the work is situated. C.S. U. C. c. 50, s. 2.

**3.** When the requirements contained in the preceding section have been complied with, the Company shall thenceforth become and be a chartered and incorporated Company, by the name designated in the instrument registered; and by such name, they and their successors may acquire any lands, tenements and hereditaments useful and necessary for the purpose of the Company, and may, in their discretion, sell and convey the same. C. S. U. C. c. 50, s. 3.

Consent of Municipality to be obtained.

4. Before any such Company proceeds with its work, it shall obtain the consent of the Municipality within which the work is proposed to be made, and such Municipality may fix the limit and boundary of a proposed harbour. C. S. U. C. c. 50, s. 4.

Company not to take private or Crown property, without consent : nor interfere with companies chartered before 5th Dec., 1859.

5. No Company so formed shall take any private property without the consent of the owner, or take or interfere with any property belonging to the Province without the approval of the Lieutenant-Governor in Council, or obstruct any harbour in use, or interfere with any Company chartered or any Board of Commissioners incorporated for the construction of a harbour on the fifth day of December, A.D., 1859. C. S. U. C. c. 50, s. 5.

Affairs to be managed by five Directors.

6. The affairs, stock, property and concerns of every such Company shall for the first year be managed by five Directors, to be named in the instrument registered, and thereafter to be annually elected by the shareholders, on the second Monday of December in each year, according to the provisions of a by-law to be passed by the Directors for that purpose. C. S. U. C. c. 50, s. 6.

When, by whom and how Directors elected.

Requirements of by-law.

7. Such by-law shall regulate :

1. The manner of voting ;

2. The place and hour of meeting for the election ;

3. The qualification of voters and of candidates for the Direction ; and

4. Any other matters, except the day of election, which the Directors deem necessary to carry out the foregoing provisions. C. S. U. C. c. 50, s. 7.

By-law, how published, &c.

8. Such by-law shall be published for three successive weeks in the newspaper, or one of the newspapers, published nearest the place where the Directors of the Company usually meet for conducting the business of the Company. C. S. U. C. c. 50, s. 8.

Directors may amend by-law.

9. The Directors may alter, change or amend such by-law, whenever they see proper, but they shall always publish the amended by-law in the manner above provided. C. S. U. C. c. 50, s. 9.

Majority of Directors to be a quorum.

10. A majority of the Directors shall be a *quorum* for the transaction of business. C. S. U. C. c. 50, s. 10.

Failure to elect Directors not to dissolve Company.

11. If the annual election of Directors for any cause does not take place at the time appointed, the Company shall not thereby be dissolved, but the Directors for the time being shall, in that case, continue to serve until another election of Directors

has been held, and such other election shall in such case be held within one month thereafter, at the time provided by a by-law to be passed by the Directors of the Company for that purpose. C. S. U. C. c. 50, s. 11.

**12.** At any election of Directors, each shareholder shall be entitled to one vote for every share of stock he holds or is possessed of in the Company, and upon which such shareholder is not in arrear for or upon any call in respect thereof. C. S. U. C. c. 50, s. 12.

Shareholders not in arrear entitled to one vote for every share held by them.

**13.** Any shareholder who has paid all calls made shall be eligible as a Director. C. S. U. C. c. 50, s. 13.

And eligible as Directors.

**14.** The Directors may elect one of their number to be the President, and may appoint such officers and servants as they deem necessary, and may, in their discretion, take security from each of them for the due performance of his duty, and that he will duly account for all moneys coming into his hands to the use of the Company. C. S. U. C. c. 50, s. 14.

Directors to elect President and take security from officers.

**15.** If a vacancy happens amongst the Directors during the current year of their appointment, by death, resignation, or permanent residence without the County or Counties in which the work is situated, or by any other cause, the vacancy shall, unless otherwise provided by some by-law or regulation of the Company, be filled up for the remainder of the year in which it happens by a person to be nominated by a majority of the remaining Directors. C. S. U. C. c. 50, s. 18.

Vacancies amongst Directors, how filled up, &c.

**16.** Each share in every Company shall be twenty dollars, and shall be regarded as personal property, and shall be transferable upon the books of the Company, in the manner provided by by-law to be made by the Directors in that behalf. C. S. U. C. c. 50, s. 15.

Shares to be \$20 each—to be personal property and transferable.

**17.** Any such Company may sue any shareholder in the Company for the amount of any call or calls of stock which such shareholder neglects to pay after public notice thereof for two weeks in the newspaper, or one of the newspapers, published nearest the place where the Directors of the Company usually meet for the transaction of business, or after a personal demand for payment has been made from such defaulting shareholder by the Treasurer of the Company. C. S. U. C. c. 50, s. 16.

After two weeks' notice of call, shareholders may be sued.

**18.** The oath of the Treasurer shall be deemed sufficient proof of such notice or of such demand, and a copy thereof shall be filed in the office of the Clerk of the Court where the suit is heard or decided, or where the trial takes place. C. S. U. C. c. 50, s. 17.

Treasurer's oath, evidence of demand.

Directors to  
make annual  
report to Mu-  
nicipality.

**19.** The Directors of every Company shall annually, in the month of January, report to the Municipality within which the work is situate, under the oath of the Treasurer of the Company—

1. The state and nature of their work ;
2. The amount of all money expended ;
3. The amount of their capital stock, and how much is paid in ;
4. The amount of dividends paid and the amount expended for repairs ; and
5. The amount of debts due by the Company. C. S. U. C. c. 50, s. 19.

Company to  
keep books of  
account, &c.

**20.** Every Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the Company, and such books shall be at all times open for the inspection of any person for that purpose appointed by the Municipality. C. S. U. C. c. 50, s. 20.

Directors may  
increase  
capital stock

**21.** If the Directors of any Company find the stock already subscribed insufficient to finish the contemplated work, they may increase the capital stock of the Company. C. S. U. C. c. 50, s. 21.

Company may  
borrow money  
on security of  
work.

**22.** Any such Company may borrow money on the security of such work, not exceeding one-half the value thereof. C. S. U. C. c. 50, s. 28.

Company may  
demand tolls,  
when, and  
amount, &c.

**23.** So soon as any such pier, wharf or harbour is so far completed as to be capable of receiving and sheltering vessels, and of safely loading and unloading the same, the Company may demand and take as toll or a wharfage to and for their own use and benefit, on all goods, wares and merchandize shipped on board or landed out of any vessel, boat or other craft from or upon any such pier or wharf within the bounds of every such harbour, not exceeding the following, that is to say :

	\$	cts.
Pot or Pearl Ashes .....	per barrel	0 06 $\frac{2}{3}$
Pork, Whiskey, Beef, Salt, Lard or Butter, “		0 05
Flour .....	“	0 03 $\frac{1}{3}$
Lard or Butter .....	per firkin or keg	0 01 $\frac{2}{3}$
Grain of all kinds .....	per bushel	0 01 $\frac{2}{3}$
Horned Cattle or Horses .....	each	0 06 $\frac{2}{3}$
Calves, Sheep or Swine .....	“	0 01 $\frac{2}{3}$
Merchandize .....	per ton	0 60
Sawed Lumber, per 1,000 feet board measure.		0 25



	\$	cts.
Square or round Timber.....per 100 cubic feet.	0	15
Saw Logs.....	0	02½
Pipe Staves .....	per M.	0 40
West India Pipe Staves .....	"	0 10
Unenumerated articles .....	per ton.	0 40
Boats of 12 tons or under .....	each.	0 20
" over 12 tons and not over 50 .....	"	0 40
" over 50 tons.....	"	0 60

C. S. U. C. c. 50, s. 30.

**24.** The President and Directors of the Company shall, subject to the approval of the Lieutenant-Governor, fix and regulate, from time to time, the tolls, rates, dues or wharfage to be received from all vessels entering their harbour or lying at their pier or wharf, and for loading and unloading all goods, wares or merchandize in such harbour, as to them seems meet; but such tolls, rates, dues or wharfage shall not in any case exceed the amount herein specified. C. S. U. C. c. 50, s. 22.

President and Directors to fix tolls, &c.

**25.** Any such Company, or their agent, officers or servants, may detain any goods, wares or merchandize, or any vessel, boat or craft, until the legal tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for the space of thirty days, and in cases where the charges for wharfage or storage dues on goods, wares or merchandize have remained unpaid for the space of one year, the Company, their agents, officers or servants, after giving ten days' notice of sale, may, by public auction, sell such goods, wares or merchandize, or such part thereof as may be necessary to pay such dues, and shall return the overplus, if any, to the owner or owners thereof. C. S. U. C. c. 50, s. 23.

Company may detain vessels and goods, sell the same to pay tolls and other dues.

**26.** Any Municipal Council having jurisdiction in the locality in which any such work is to be constructed, may subscribe for, obtain, hold, or depart with, and transfer stock in the Company, and may from time to time direct the Mayor, Reeve, Warden or other chief officer of the Municipality, to subscribe for such stock in the name of the Municipality, and to act for the Municipality in all matters relative to such stock and the exercise of the rights of the Municipality as a shareholder, and such chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the Company, and may vote and act as such, subject to the rules and orders in relation to his authority, which may be made in that behalf by the Municipal Council, but voting according to his discretion in cases not provided for by such Council. C. S. U. C. c. 50, s. 24.

Municipal Councils may hold stock in Company.

**27.** Any Municipality so taking stock may pay for the same out of any moneys belonging to the Municipality, and not spe-

Municipality may pay for stock out of

unappropriated moneys of Municipality.

cially appropriated to any other purpose, and may apply the moneys arising from the dividends or profits on the stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to the Municipality may lawfully be applied. C. S. U. C. c. 50, s. 25.

Municipalities may purchase stock.

**28.** Any Company may sell to any Municipality representing the interest of the locality in which the work is situate, and any such Municipality may purchase the stock of such Company at the value agreed on between them, and such Municipality shall hold the same for the use and benefit of the locality ; and shall, in all respects thereafter, stand in the place of the Company, and shall possess all such powers and authority as the Company had theretofore possessed and exercised. C. S. U. C. c. 50; s. 26.

Sale of works to pass the rights of the Company to the purchaser.

**29.** In case any pier or wharf constructed by any Joint Stock Company incorporated under the laws of Ontario, has heretofore been or is hereafter sold either by such Joint Stock Company or under some power granted by them, or under legal process against such Company, the sale or sales shall, in all cases, be deemed to have passed and to pass such piers or wharves to the purchaser or purchasers thereof, with all the rights privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to such pier or wharf, whilst the same continued the property of the Joint Stock Company which had constructed the same. C. S. U. C. c. 50, s. 29.

Municipality, after 21 years, may purchase the stock of Company.

**30.** Any Municipal Council representing the interests of the locality in which the work is situate, may, after twenty-one years from the time of such work being so far completed as that tolls were and have been collected thereon, purchase the stock of such Company at the current value thereof at the time of purchase, and shall hold the same for the use and benefit of such locality ; and such Municipality shall thenceforth stand in the place of the Company, and the Council thereof shall possess all such powers and authority as the Company had theretofore possessed and exercised. C. S. U. C. c. 50, s. 31.

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## CHAPTER 155.

An Act respecting Joint Stock Companies for the  
Erection of Exhibition Buildings.

Incorporation, ss. 1, 2.

Directors, ss. 3-5.

By-laws, s. 6.

Officers, s. 7.

Shares and their transfer, s. 8.

Calls, ss. 9-12.

Municipalities may take stock, s. 13.

Municipalities may lend money to  
the Company, s. 14.Limitation of action against persons  
acting under this Act, s. 15.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Any number of persons, not less than five, may form themselves into a Company under the provisions of this Act, for the purpose of purchasing and holding land and erecting suitable buildings thereon for the holding of periodical Fairs or Exhibitions for agricultural purposes. C. S. U. C. c. 51, s. 1.

Companies  
may be formed  
for the erec-  
tion of Exhi-  
bition Build-  
ings.

2. When any number of persons not less than five have subscribed a sufficient quantity of stock to amount to a sum equal in their judgment to the amount required for the purchase of the ground necessary for an edifice to be used for the purposes aforesaid, and the erection of such edifice thereon and of the additional ground required for the holding of Agricultural Fairs or Exhibitions, and have executed an instrument according to the form in the Schedule to this Act contained ; and have paid to the Treasurer of such intended Company twenty-five per cent. upon the capital stock intended by such Company to be raised for the purposes aforesaid, and have registered such instrument at full length, together with the receipt from the Treasurer of such Company for such first instalment of twenty-five per cent., with the Registrar of the County or other Registration Division in which such edifice is to be or is intended to be built, such Company shall thenceforth become and be a body corporate by such name as may be designated in the instrument so to be registered as aforesaid ; and they and their successors by their corporate name shall be capable of taking, purchasing, having and holding any piece or parcel of land in Ontario for the purpose of erecting such edifice as aforesaid, and also for holding such Fairs or Exhibitions as aforesaid ; such parcel of land not to contain more than one hundred acres. C. S. U. C. c. 51, s. 2.

Conditions on  
which any  
such Company  
may become  
incorporated.

Name and cor-  
porate powers.

- Directors.** **3.** The affairs, property and concerns of every such Company shall be managed by not less than three nor more than nine Directors, who shall be shareholders, and subjects of Her Majesty, and a majority of whom shall form a quorum capable of doing business. C. S. U. C. c. 51, s. 3.
- Quorum.**
- Election.** **4.** The said Directors shall in the first instance be chosen by ballot from among the subscribers to the said instrument so to be registered as aforesaid, and thereafter shall be annually elected by the said shareholders, on the second Monday in January in each and every year; and upon the first and every such election of Directors each shareholder shall be entitled to one vote for every share he may hold or be possessed of up to ten, and one vote for every five shares above ten; but no shareholder shall be allowed to vote at any election unless he has paid all calls upon each share he holds. C. S. U. C. c. 51, s. 4.
- Voters.**
- Shares must be paid up.**
- President.** **5.** The Directors or a majority of them shall, at their first annual meeting, elect one of their number to be President of such Company, and the President, if present (or if not present then some Director chosen for the occasion), shall preside at all meetings, and in case of equality shall have the casting vote. C. S. U. C. c. 51, s. 5.
- Casting vote.**
- By-laws, &c.** **6.** The said Directors may pass by-laws for the regulation of the affairs of such Company, and shall keep a book in which shall be recorded all by-laws and proceedings; and to such book all persons shall have access for the purpose of searching the same and making extracts therefrom, without payment of any fee whatsoever. C. S. U. C. c. 51, s. 6.
- Secretary and Officers.** **7.** Every such Company shall have a Secretary and Treasurer and such subordinate officers as the Company by its by-laws may require, who shall be elected by the Directors and required to give such security for the faithful performance of the duties of their respective offices as the Company by its by-laws may provide. C. S. U. C. c. 51, s. 7.
- Shares.** **8.** Each share in every such Company shall be twenty dollars, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as may be provided for by the Directors in that behalf. C. S. U. C. c. 51, s. 8.
- To be personalty.**
- Calls.** **9.** The Directors of any such Company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed, at such times and in such payments or instalments as such Directors deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment is not made by the shareholders respectively, within sixty days after a personal demand or after notice requiring such payment has been published for
- Forfeiture of shares for non-payment.**



six successive weeks in the newspaper nearest the place where the business of the Company is being carried on as aforesaid. C. S. U. C. c. 51, s. 9.

**10.** Any such Company so to be incorporated as aforesaid may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover, and receive of or from any shareholder in such Company, the amount of any call or calls of stock which such shareholder neglects to pay after public notice thereof in the newspaper nearest the place where the business of the Company is being carried on as aforesaid. C. S. U. C. c. 51, s. 12.

Recovery of calls on stock.

**11.** In any action or suit brought by any such Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the said Company, and that he is indebted to the Company in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), whereby an action has accrued to the Company by virtue of this Act. C. S. U. C. c. 51, s. 13.

What only need be stated in any action for calls.

**12.** On the trial or hearing of such action it shall be sufficient for the Company to prove that the defendant, at the time of making such call, was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed), and that such call was in fact made, and notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatsoever; and thereupon the Company shall be entitled to recover the amount due upon such call with interest thereon, unless it appears that due notice of such call was not given. C. S. U. C. c. 51, s. 14.

What only need be proved in any such action.

**13.** Any Municipal Corporation in Ontario may subscribe for, acquire, accept, and hold, and may depart with and transfer stock in any Company to be formed under the authority of this Act, and from time to time may direct the Mayor, Warden, or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality, in all matters relative to such stock, and the exercise of the rights of such Municipality as a shareholder; and the Mayor, Warden, or other Chief Officer shall, whether otherwise qualified or not, be deemed a shareholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority as may be made in that behalf by such Municipality.

Municipalities may take stock, &c.  
Mayor, &c., to represent such stock.

Municipality  
may pay calls,  
&c.

pality, by their by-laws or otherwise, but acting according to his discretion in cases not provided for by such Municipality; and such Municipality may pay for all instalments of the stock which they subscribe for and acquire, out of any moneys belonging to such Municipality and not specially appropriated to any other purpose, and may apply the money arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may be lawfully applied. C. S. U. C. c. 51, s. 10.

Municipal  
Corporations  
may lend  
money to the  
Company.

**14.** Any Municipal Corporation in Ontario may lend money to any Company that may be formed under this Act out of any moneys belonging to the Municipality, and not appropriated to any other purpose, and may effect such loan upon such terms and conditions as may be agreed upon between such Company and the Municipality making such loan, and may recover the money so lent, and may appropriate the moneys so recovered to the purposes of such Municipality. C. S. U. C. c. 51. s. 11.

Limitation of  
suits for things  
done in pur-  
suance of this  
Act.

**15.** If any action or suit is brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial. C. S. U. C. c. 51, s. 16.

## SCHEDULE.

(Section 2.)

### INSTRUMENT OF INCORPORATION.

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, we, the undersigned Shareholders, met at \_\_\_\_\_ in the \_\_\_\_\_ County of \_\_\_\_\_, in the Province of Ontario, and resolved to form ourselves into a Company, to be called \_\_\_\_\_ (here insert the corporate name intended to be taken by the Company), according to the provisions of Chapter 155 of "The Revised Statutes of Ontario," entitled "*An Act respecting Joint Stock Companies for the erection of Exhibition Buildings*," for the purpose of purchasing a parcel of land in the County of \_\_\_\_\_, and erecting thereon suitable buildings to be used for the purpose of holding periodical Fairs or Exhibitions for agricultural purposes; and we do hereby declare that the Capital Stock of the said Company shall be \_\_\_\_\_ dollars, to be divided into \_\_\_\_\_ shares at the price or sum of twenty dollars each; And we, the undersigned Shareholders, do hereby agree to take and accept the number of \_\_\_\_\_

shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations, Resolutions and By-laws of the said Company, to be made or passed in that behalf : And we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

Name.	No. of Shares.	Amount.

## CHAPTER 156.

### An Act respecting Mining Companies.

Owners of mines may make tramways, s. 1.

When may construct harbours, ss. 2, 3.

May improve water courses, s. 4.

Persons whose rights are affected to be indemnified, s. 5.

Mining Companies may enter on

Crown or private lands for such purposes, s. 6.

When consent of Lieut-Governor necessary, s. 7.

No harbour or river improvement to be made without submitting plans to Lieut-Governor in Council, s. 8.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The proprietors of any mine in Ontario may construct a gravel or macadamized road or a tramway from their mines to the nearest navigable waters or railway or highway, and may take any land required for right of way and stations at a fair valuation, under the provisions of the thirteenth to twentieth sections inclusive of "*The Railway Act of Ontario*" in that behalf, headed "Lands and their valuation," which shall apply to such proprietors, but the said gravel or macadamized road or tramway shall not exceed twenty miles in length. C. S. C. o. 64, s. 1.

Owner of mines may make tramways, etc.

When may  
construct har-  
bours.

2. The proprietors of any such mine holding lands in fee simple having a frontage of one mile or upwards on any navigable lake, river or stream, may :

1. Construct harbours, wharves, piers and other erections thereon, at the bank of such lake, stream or river, for the accommodation of all kinds of steamers, vessels and craft ;

Make rules.

2. Make rules and regulations for the government and management of such wharves and harbours ;

Collect dues.

3. Impose and levy, according to a tariff to be by them adopted for that purpose, and which may be from time to time altered and amended, reasonable wharfage and harbour dues, and fines for the infraction of such rules and regulations. C. S. C. c. 64, s. 2.

Being first ap-  
proved by the  
Lieut-  
Governor.

3. No such rules, regulations or tariff shall be of any force or effect until sanctioned or approved of by the Lieutenant-Governor, and no fine thereby imposed shall exceed twenty dollars for any one offence, and such fines shall be recoverable in a summary way before any two Justices of the Peace, as if imposed by Act of the Legislature. C. S. C. c. 64, s. 3.

May improve  
water courses.

4. Any Mining Company, or the proprietors of any mine, may improve and render navigable for the transport of freight to and from the mine, any water course or water courses, or may construct a channel of communication between navigable water courses, that may be necessary for the full and proper development thereof, for the more advantageous working of the Mine, and the conveyance of freight to and from the same. C. S. C. c. 64, s. 4.

To indemnify  
owners.

5. But every Mining Company or the proprietors shall be liable to indemnify all or any person or persons who may suffer injury to property or rights in consequence of their so doing, according to the laws of this Province. C. S. C. c. 64, s. 5.

May enter up-  
on Crown or  
private lands.

6. For the purposes aforesaid, the Mining Company, or proprietors of any mine, may enter into and upon the lands of Her Majesty, or of any person or persons, body corporate or otherwise, for the purposes and subject to the conditions aforesaid, and may survey and take levels of the same or any part thereof found necessary and proper for the construction of tramways, or for making channels of water communication or improving the navigation of any water course or water courses, so as to facilitate the working of such mine or the conveyance of freight to and from the same. C. S. C. c. 64, s. 6.

When consent  
of Lieut-  
Governor  
necessary.

7. No beach, lot, or land covered with water or other public property, shall be taken under this Act without the consent of the Lieutenant-Governor in Council, and then only upon such



terms and conditions as he thinks proper. C. S. C. c. 64, s. 7.

8. No harbour or river improvement shall be made under this Act, or any property taken therefor, so as to interfere with the navigation of such harbour or river or until the proposed plan and extent thereof, and of the works therewith connected, have been submitted to and approved by the Lieutenant-Governor in Council; but such plan may afterwards be altered and extended with such consent and approval. C. S. C. c. 64, s. 8.

Plans to be approved by Lieut.-Governor in Council.

## CHAPTER 157.

An Act respecting Joint Stock Companies, for supplying Cities, Towns and Villages with Gas and Water.

Interpretation, s. 1.  
Formation of Companies, ss. 2-8.  
By-laws, ss. 9-10.  
Directors and Officers, ss. 11-20.  
Special Meetings, s. 21.  
Yearly Report, s. 22-24.  
Liability of Directors and other Officers, ss. 24-31.  
Directors to keep Books, ss. 32-37.  
Shares and their transfer, ss. 38-41.  
Increasing the capital stock, ss. 42, 43.

Calls, ss. 44-49.  
Municipalities taking stock, ss. 50-51.  
Aliens may hold stock, s. 52.  
Powers of Companies, ss. 53-59.  
Powers to borrow, ss. 60-68.  
Restrictions on power, ss. 69, 70.  
Prohibitions and Penalties, ss. 71-78.  
Enforcement of Penalties, ss. 79-81.  
Arbitrations, ss. 82-85.  
Miscellaneous, ss. 86-88.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION.

1. The word "Company," wherever it occurs in this Act, shall be construed to mean a Joint Stock Company incorporated by registration under the provisions of this Act or of some former Act respecting Gas and Water Incorporated Joint Stock Companies. C. S. C. c. 65, s. 85.

Interpretation of words.

### FORMATION OF COMPANIES.

2. Any five or more persons who desire to form a Company for supplying any City, Town, incorporated Village, Township

Joint Stock Gas and Water Companies.

Declaration and contents of or other Municipality with Gas or Water, or with both Gas and Water, may make and sign a statement or declaration in writing, in which shall be set forth :

1. The corporate name of the Company ;
2. The object for which the same is formed ;

3. The amount of capital stock of the Company, which shall be divided into shares of twenty dollars each, and such stock, in the case of a Gas and Water Company in a City, shall not exceed three hundred thousand dollars, if Gas or Water only is to be supplied, and six hundred thousand dollars if both Gas and Water are to be supplied ; and in the case of a Town or Village, shall not exceed two hundred thousand dollars if Gas or Water only is to be supplied, and four hundred thousand dollars if both Gas and Water are to be supplied ; and the money so raised shall be appropriated to the purpose of constructing, completing, acquiring and maintaining their said Gas Works or Water Works, or Gas and Water Works, and to no other object or purpose whatever ;

4. The number of shares of which the stock is to consist ;

5. The number and names of the Directors who are to manage the concerns of the Company for the first year ;

6. The name of the Municipality in which the operations of the Company are intended to be carried on ; and

7. The term of the Company's proposed existence, which shall not exceed fifty years. C. S. C. c. 65, s. 1 ; 23 V. c. 32, s. 1.

To be acknowledged in duplicate.

3. The persons making the statement or declaration shall acknowledge the same in duplicate before the Mayor or Chief Magistrate of the Municipality, and he shall receive the same, and grant a certificate thereof. C. S. C. c. 65, s. 2 ; 23 V. c. 32, s. 1.

How Companies are to proceed.

4. If upon the petition of the persons desiring to form the Company the Municipal Council of the Municipality in which the operations of the Company are to be carried on, pass within thirty days from the date of such acknowledgment, a by-law granting authority to such persons as a Company to lay down pipes for the conveyance of Water or Gas, or both, under the streets, squares and other public places of such Municipality, the Registrar of the County or other Registration Division in which the same is situate, on the production of one of the duplicates of such statement or declaration, with a proper certificate of the acknowledgment thereof endorsed thereon, and a duly certified copy of such by-law attached thereto, shall file the same and make an entry thereof in a book to be kept by him for that

purpose; and the other of the duplicates, with a proper certificate endorsed thereon of the acknowledgment thereof, and of the filing and registration thereof, and of such by-law, and with a certified copy of the by-law thereto annexed, shall forthwith be transmitted to and filed in the office of the Provincial Secretary. C. S. C. c. 65, s. 3; 23 V. c. 32, s. 1.

5. When the formalities required by the foregoing sections of this Act have been complied with, the persons who have signed the statement or declaration, and all persons who thereafter become shareholders of the Company thereby established, shall be a body corporate, by the style and title mentioned in such statement or declaration. C. S. C. c. 65, s. 4. When to become incorporated.

6. Compliance with the formalities prescribed in the foregoing sections of this Act for the formation of any Company, shall be conclusively established by the insertion in the *Ontario Gazette* of a notice to that effect by the Provincial Secretary. C. S. C. c. 65, s. 5. Proof of compliance, etc.

7. A copy of the whole of the registered statement or declaration registered in pursuance of this Act, and certified by the Registrar or his Deputy to be a true copy, shall be received in all Courts and places as *prima facie* evidence of the facts therein stated. C. S. C. c. 65, s. 6. Certified copies to be evidence.

8. Any Company incorporated under this Act may, in their corporate name, purchase and hold, sell and convey lands, tenements and hereditaments for them and their assigns and successors for the use of the said Gas Works or Water Works, or Gas and Water Works, and such real estate holden by any such Company shall be held for the purposes for which the Company is incorporated in constructing their necessary works and for no other purpose, and shall not at any time exceed in value thirty thousand dollars. C. S. C. c. 65, s. 7. May hold lands, &c.

#### BY-LAWS.

9. A majority of the shareholders of any such Company present at any special general meeting may make such by-laws as they deem proper for the following purposes:— May make by-laws.

1. For the management and disposition of the stock, business and affairs of the Company;

2. For the appointment of officers and prescribing their duties, and those of all artificers and servants that may be employed, and for carrying on all kinds of business within the objects and purposes of the Company;

3. For appointing the number of Directors of the Company, who shall not exceed nine, nor be less than three, including the

Rev. Stat.  
c. 174, s. 461  
(24.)

Head of any Municipality holding stock in the Company to the amount of ten thousand dollars or upwards, as prescribed by subsection twenty-four of the four hundred and sixty-first section of "*The Municipal Act*;" and for determining the number of shares it shall be necessary for a shareholder to hold to qualify him to act as a Director;

4. For the payment of Directors with the consent of a majority of the shareholders at the annual meeting, or for the appointment of one or more paid Directors;

5. For the amending, altering or repealing any by-law of the Company made under the authority of this or of any other statute. C. S. C. c. 65, s. 8.

Copy of by-law to be evidence.

10. A copy of any by-law of the Company, purporting to be under the hand of the Clerk, Secretary or other officer thereof, and having the corporate seal of the Company affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity in this Province. C. S. C. c. 65, s. 9.

#### DIRECTORS AND OFFICERS.

Affairs to be managed by Directors.

11. The stock, property and concerns of every Company incorporated under this Act or any former Act for a like purpose, shall be managed by not less than three nor more than nine Directors, as provided in the by-laws, and such Directors shall respectively be shareholders in the Company, and a majority of the number of such Directors shall constitute a quorum for the transaction of business. C. S. C. c. 65, s. 10.

Directors to be elected by shareholders.

12. The Directors, except for the first year, shall be annually elected by the shareholders at a time and place which shall be directed by the by-laws of the Company. C. S. C. c. 65, s. 11.

Notice of election.

13. Notice of the time and place of holding such election shall be published not less than ten days previous thereto in a newspaper printed in the Municipality where the operations of the Company are carried on, or if there be no newspaper so printed, then in a newspaper published in the County Town. C. S. C. c. 65, s. 12; 23 V. c. 32, s. 3; 40 V. c. 7, *Sched. A* (140).

Who to elect.

14. The election shall be made by such of the shareholders as attend for that purpose either in person or by proxy. C. S. C. c. 65, s. 13.

By ballot.

15. All elections shall be by ballot, and each shareholder shall be entitled to as many votes as he owns shares of stock in the Company. C. S. C. c. 65, s. 14.



**16.** The persons receiving the greatest number of votes shall be Directors. C. S. C. c. 65, s. 15. Majority of votes.

**17.** When any vacancy happens amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in the manner provided by the by-laws of the Company. C. S. C. c. 65, s. 16. Vacancies, how filled.

**18.** If the election of Directors is not made on the day when according to the by-laws of the Company it ought to be made, the Company shall not for that reason be dissolved, but the shareholders may hold the election on any other day in the manner provided for by such by-laws, and all acts of Directors until their successors are elected shall be valid and binding as against the Company. C. S. C. c. 65, s. 17. If election not held on regular day.

**19.** The Directors shall elect from among themselves a Chairman or President, and the Company shall also have such subordinate officers as the by-laws thereof require. C. S. C. c. 65, s. 18. The president.

**20.** The subordinate officers shall be appointed by the Directors, and be required to give such security for the faithful performance of the duties of their respective offices as may be provided by the by-laws of the Company. C. S. C. c. 65, s. 19. Officers.

#### SPECIAL MEETINGS.

**21.** The President or any three Directors of any such Company may call a special general meeting of the shareholders for any purpose, giving at least ten days' notice by advertisement in one or more newspapers published in the Municipality where the business of the Company is carried on, or by a circular mailed to the address of each shareholder, at least ten days previous to the time appointed for holding the meeting. C. S. C. c. 65, s. 20. President or Directors may call meetings.

2. If there be no newspaper so published, the notice may be given in the same manner as under section thirteen of this Act. a notice of the time and place for holding elections may be given. 23 V. c. 32, s. 3; 40 V. c. 7, *Sched. A.* (140).

#### ANNUAL REPORT.

**22.** Every Company incorporated under this Act shall, annually, within twenty days from the first day of January, make a report which shall be inserted in some newspaper published in the Municipality where the business of the Company is carried on, stating the amount of capital stock of the Company, and the proportion thereof then actually paid in, together with Yearly report.

the amount of the existing debts of the Company. C. S. C. c. 65, s. 21.

2. If there be no newspaper so published, the report shall, within the time aforesaid, be inserted in a newspaper published in the County Town. 23 V. c. 32, s. 3; 40 V. c. 7, *Sched. A* (141).

By whom to be signed.

**23.** Such report shall be signed by the Chairman or President, and a majority of the Directors, and shall be verified by the oath of the Chairman or President, or of the Secretary of the Company, and shall be entered and registered in the County or other Registry Office of the Registration Division in which the business of the Company is carried on. C. S. C. c. 65, s. 22.

#### INDIVIDUAL LIABILITY OF DIRECTORS AND OTHER OFFICERS.

Liability of Directors in default.

**24.** The Directors of any Company failing to comply with the requirements of the two last preceding sections, shall be jointly and severally liable for all the debts of the Company then existing, and for all contracted until such report is made. C. S. C. c. 65, s. 23.

Directors individually liable if they declare dividends when Company insolvent

**25.** If the Directors of any Company declare and pay any Dividend when the Company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director objects to the declaring or payment of such dividend, and, at any time before the time fixed for the payment thereof, files a written statement of such objection in the office of the Secretary of the Company, and also in the Registry Office of the County or other Registration Division, such Director shall be exempt from such liability. C. S. C. c. 65, s. 24.

How Director may exonerate himself from liability.

Loans not to be made to shareholders.

**26.** No loan of money shall be made by any Company to any shareholder therein; and if any such loan be made to a shareholder, the officers who make or assent thereto shall be jointly and severally liable to the extent of such loan, with legal interest thereon for all the debts of the Company thereafter contracted until the repayment of the sum loaned. C. S. C. c. 65, s. 25.

Consequences of false certificates or reports.

**27.** If any certificate or report made, or public notice given by the officers of any Company, in pursuance of this Act, is false in any material representation, all the officers who signed the same shall be jointly and severally liable for all the debts of the Company contracted while they are officers or shareholders thereof respectively. C. S. C. c. 65, s. 26.

**28.** If the indebtedness of the Company at any time exceeds the amount of its capital stock, the Directors assenting thereto shall be personally and individually liable to the creditors of the Company for such excess. C. S. C. c. 65, s. 27. When Directors liable to creditors.

**29.** No person holding stock in any Company as executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to any liability as shareholder of such Company, but the estates and funds in the hands of such executor, administrator, tutor, curator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be if he were living and competent to act and held the same stock in his own name; and no person holding such stock as collateral security shall be personally subject to any liability as shareholder of such Company, but the person pledging such stock shall be considered as holding the same, and shall be liable as shareholder accordingly. C. S. C. c. 65, s. 28. Exemption of executors, &c.

**30.** Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder. C. S. C. c. 65, s. 29. Guardian, &c. may vote.

**31.** No person holding stock as executor, administrator, tutor, curator, guardian or trustee, shall be a Director or hold any office in the service of such Company; and all votes given to them or either of them shall be void. C. S. C. c. 65, s. 30. Not to be a Director.

#### STOCK BOOKS.

**32.** The Directors of every Company shall cause a book to be kept by the Treasurer or Clerk thereof, containing, in alphabetical order, the names of all persons who are or have been shareholders of the Company, and showing: Stock books to be kept.

1. Their places of residence;
2. The number of shares of stock held by them respectively;
3. The time when they respectively became the owners of the shares; and
4. A statement of all the existing debts and liabilities of the Company, and of the amount of its stock actually paid in. C. S. C. c. 65, s. 31.

**33.** Such books shall, during the usual business hours of the day, on every day except Sundays and holidays, be open Open to inspection.

for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or principal place of business of the Company where the operations of the Company are carried on. C. S. C. c. 65, s. 32.

Extracts may be taken and by whom.

**34.** Every shareholder, creditor or representative may make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it is transferred liable for the debts of the Company, until an entry thereof has been made as required by the thirty-second section of this Act, and showing to and from whom such stock has been transferred. C. S. C. c. 65, s. 33.

To be evidence.

**35.** Such book shall be *prima facie* evidence of the facts therein stated in favour of the plaintiff in any suit or proceeding against the Company or against any one or more shareholders. C. S. C. c. 65, s. 34.

Penalty for not making entries. &c.

**36.** Every officer or agent of any Company who refuses or neglects to make any proper entry in such book, or to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, shall be liable to a fine of forty dollars, or more or less, at the discretion of the Directors. C. S. C. c. 65, s. 35.

Neglect to cause forfeiture.

**37.** Every Company that neglects to keep such book open for inspection as aforesaid, shall forfeit the corporate rights, character and privileges acquired by it in pursuance of this Act. C. S. C. c. 65, s. 36.

#### SHARES AND THEIR TRANSFER.

Stock to be personal property.

**38.** The stock of every Company shall be deemed personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of the shareholders, and shall be assignable and transferable in such manner as may be prescribed by the by-laws of the Company. C. S. C. c. 65, s. 37.

Shares not transferable when shareholder in arrear.

**39.** No shares shall be transferable until all previous calls thereon, and all debts due to the Company by the shareholder wishing to transfer his share, for gas, water rent, fixtures or otherwise, have been fully paid, or until the shares have been declared forfeited for the non-payment of calls thereon. C. S. C. c. 65, s. 38.

Transfer to be entered.

**40.** No transfer of shares shall be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the by-laws of the Company. C. S. C. c. 65, s. 39.

Company not to take stock in other Corporations.

**41.** No Company shall use any of its funds in the purchase of stock in any other corporation. C. S. C. c. 65, s. 40.



## INCREASING THE CAPITAL STOCK.

**42.** Whenever a majority of the Directors of any Company are of opinion that the capital stock thereof is insufficient for the purposes for which the Company has been incorporated, they may call a general meeting of the shareholders of the Company (giving at least ten days' notice of the time and place of meeting, either by advertisement in one or more of the newspapers published in the Municipality where the operations of the Company are carried on, (or if there is no newspaper so published, then in the manner prescribed in section thirteen for giving notice of the time of holding a meeting for the election of Directors,) or by a circular addressed to each shareholder, and mailed at least ten days previous to the time appointed for holding such meeting), and a majority of the shareholders who attend and are present at such meeting may pass a by-law for increasing the capital stock of the Company to such amount as they deem necessary for carrying out the purposes of the Company, but not in the whole exceeding the amounts respectively hereinbefore mentioned, and for authorizing the raising of such additional capital by increasing the number of shares of twenty dollars each into which the capital of the Company is or may be divided, and for enabling the Directors to receive subscriptions for the whole or any part of such additional capital from any person or body corporate, or otherwise, under such regulations as may be made by the Directors in that behalf. C. S. C. c. 65, s. 41; 23 V. c. 32, s. 3; 40 V. c. 7, *Sched. A* (140).

Increase of stock.

What majority to decide.

**43.** The name of every subscriber for any new or additional stock so authorized to be subscribed for in any such Company, shall be forthwith entered as that of a shareholder in the register of shareholders of the Company, with the date of subscription and number of shares subscribed for; and thereupon such shareholder shall become liable to the Directors of every such Company for the payment of the full amount subscribed, in such instalments, and at such times as the said Directors may be authorized to call the same in, and such shareholder shall be subject to all the conditions, restrictions and liabilities, and entitled to all the rights, privileges, benefits and advantages to which the original shareholders may thenceforth be subject or entitled. C. S. C. c. 65, s. 42.

Subscribers' names to be entered on register of shareholders.

Liability of new shareholder.

## CALLS.

**44.** Every shareholder shall be held liable to the Directors of the Company for the payment of the full amount subscribed, and the Directors may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and in such payments or instalments as such Directors deem proper, provided that no one instalment shall exceed ten per cent., and, that not less than one month shall intervene between the calls for any

Shareholders to be liable for full amount subscribed.

two instalments (save and except in the case of any original stock of any Company formed before the thirtieth day of May, in the year of our Lord one thousand eight hundred and fifty-five, in which latter case not less than three months shall intervene between such calls). C. S. C. c. 65, s. 43.

If calls not paid, shares liable to forfeiture.

**45.** If payment is not made by the shareholders respectively within sixty days after a personal demand, or after notice requiring such payment has been published for six successive weeks in a newspaper published in the Municipality where the business of the Company is carried on, or if there is no newspaper so published, then in a newspaper published in the County Town, the Directors may declare forfeited the shares upon which the said instalments have not been paid; which forfeiture shall be a discharge to the holders of the shares so forfeited from all further liability either to the Company or to any third party in respect of the shares so forfeited; but the holders of shares so forfeited shall lose whatever sum or sums they have paid on or for such shares, and no more. C. S. C. c. 66, s. 44; 23 V. c. 32, s. 3; 40 V. c. 7, *Sched. A.* (142).

Or Directors may sue.

**46.** The Directors may sue any shareholder for the amount of the call or calls on his stock due and not paid, instead of forfeiting the same. C. S. C. c. 65, s. 45.

Interest to be paid on calls in arrear.

**47.** If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call payable by him, he shall be liable to pay interest, at the legal rate for the time being, for the same from the day appointed for payment thereof to the time of the actual payment, and may be sued by the Directors for such call and interest in any Court of Law or Equity of competent jurisdiction. C. S. C. c. 65, s. 46.

How to declare for calls.

**48.** In a suit or action to recover any money due upon any share, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, whereby an action has accrued to the Company by virtue of this Act. C. S. C. c. 65, s. 47.

Requisite proof.

**49.** At the trial of such action it shall be sufficient to prove the facts so declared, and the evidence of one witness in respect of all facts required to be proved shall be *prima facie* sufficient without the production of any documentary proof whatever. C. S. C. c. 65, s. 48.

#### MUNICIPALITIES TAKING STOCK.

Municipalities may take stock.

**50.** Any of the Municipalities in which the works of any such Company are erected or placed may subscribe to or take stock in the Company, or may loan any sum of money, on mortgage

or otherwise, to the Company, or contribute in any manner towards advancing the object for which the Company has been incorporated. C. S. C. c. 65, s. 50.

**51.** The Head for the time being of any Municipality holding stock in any such Company to the extent of one-tenth part or more of the whole of the capital stock thereof, shall be *ex officio* a Director of the Company so long as such Municipality continues to hold stock to the extent aforesaid. C. S. C. c. 65, s. 51.

When the Head to be a Director.

#### ALIENS.

**52.** Aliens may hold stock in any such Company, and enjoy all the privileges in the Company which they would have if they were subjects of Her Majesty. C. S. C. c. 65, s. 52.

Aliens may hold stock.

#### POWERS OF COMPANIES.

**53.** Every Company may sell and dispose of gas meters, and gas and water fittings of every description for the use of private and public houses, or for any establishment, company or corporation whatsoever, as well as coke, coal tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas; and every Company may let out to hire gas meters, and gas and water fittings of every kind and description, at such rate and rents as may be agreed upon between the consumers or tenants and such Company. C. S. C. c. 65, s. 49.

Companies may sell Gas and Water fittings.

Or lease the same.

**54.** Any such Company may break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places of the Municipalities for supplying which with Gas or Water, or both, the Company has been incorporated, as are necessary for laying the mains and pipes to conduct the Gas or Water, or both, from the works of the Company to the consumers thereof, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress. C. S. C. c. 65, s. 53.

Companies may excavate streets, &c.

**55.** When any such Company has laid down main pipes for the supply of Gas or Water in or through any of the streets, squares or public places of any Municipality, no other person or persons, bodies politic or corporate, shall, without the consent of such Company first had and obtained, nor otherwise than upon payment to such Company of such compensation as may be agreed upon, lay down any main pipe for the supply of Gas or Water within six feet of such Company's main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. C. S. C. c. 65, s. 54.

Other pipes not to encroach on main pipes laid down.

Companies may pass through buildings to introduce pipes.

**56.** Where there are buildings within the Municipality the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the Company may carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants to convey the Gas or Water, or both, to the property of another or in the possession of another, and such pipes shall be carried up and attached to the outside of the building. C. S. C. c. 65, s. 55.

May also break up, &c., all passages.

**57.** The Company may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be in the execution of the powers granted by this Act. C. S. C. c. 65, s. 56.

Company to make satisfaction to owners for damage done.

Indemnity of.

**58.** Every Company shall make satisfaction to the owners or proprietors of buildings or other property, or to the public, for all damages by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify every such Company and their servants, and those by them employed, for what they or any of them do in pursuance of the powers hereby granted. C. S. C. c. 65, s. 57.

Public safety not to be endangered.

**59.** Every such Company shall construct and locate their Gas Works and Water Works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety. C. S. C. c. 65, s. 58.

#### COMPANIES BORROWING MONEY.

Companies may borrow moneys.

**60.** Any Company may, either in this Province or out of it, borrow money at any rate of interest (in conformity with the laws of Canada) that the President and Directors of the Company deem necessary. C. S. C. c. 65, s. 67.

Limit thereto.

**61.** The sum so borrowed shall not exceed the sum of forty thousand dollars, to be expended in Gas Works, and the like sum for Water Works, for any Town or incorporated Village, or the sum of one hundred thousand dollars for any City for either Gas or Water Works. C. S. C. c. 65, s. 68.

May mortgage works.

**62.** For securing the repayment of money so borrowed, with interest thereon, the Company or the President thereof, by and with the consent of a majority of the Directors, may mortgage, secure and assign the real estate, works, rates, revenues, rents and future calls on shareholders of the Company. C. S. C. c. 65, s. 69.



**63.** All bonds, debentures or other securities granted for the purpose aforesaid may be made payable to bearer or transferable by endorsement or otherwise, as the Directors see fit; but no such bond or debenture shall be made or granted for a less sum than two hundred dollars. C. S. C. c. 65, s. 70.

Bonds, etc., may be payable to bearer.

**64.** The bonds, debentures, future calls or other securities so granted and pledged as securities for money borrowed, shall be equitably and proportionably liquidated or paid out of the funds or receipts of the Company, without preference to any of such securities over each other. C. S. C. c. 65, s. 71.

No preference allowed.

**65.** No such bonds or debentures or other securities so pledged shall prevent the Directors of the Company from receiving and applying such future calls to the purposes of the Company, so long as the money due on all such bonds and debentures does not exceed the amount of all the calls still remaining unpaid. C. S. C. c. 65, s. 72.

Protection of bondholders, &c.

**66.** The Directors of any such Company, by a resolution entered upon the books of such Company, and without the formality of passing a by-law, may, from time to time as they see fit, authorize the President or Manager of the Company to sign such particular bonds, mortgages, contracts or instruments as it may, in the opinion of the Directors, be necessary or expedient so to sign, and to affix the common seal of the Company thereto. C. S. C. c. 65, s. 73.

Power of Directors in executing bonds, &c.

**67.** The President or the Manager of the Company, from time to time authorized as aforesaid, may draw, sign or accept such promissory notes or bills of exchange for the purposes of the Company, without seal, as in the opinion of the Directors it may be necessary or expedient so to sign or accept. C. S. C. c. 65, s. 74.

And notes or bills.

**68.** All such bonds, contracts, mortgages and instruments so signed and sealed by the person authorized as aforesaid, and also such notes and bills so signed, drawn or accepted by the person authorized as aforesaid, shall be valid and binding on the Company, and be held to be the act and deed of the Company; but such bonds, bills or debentures and securities as aforesaid shall not exceed the amount which the Company is by this Act empowered to borrow. C. S. C. c. 65, s. 75.

Securities duly executed to be valid.

#### RESTRICTIONS.

**69.** Nothing contained in this Act shall authorize any such Company, or any person acting under the authority of the same, to take, use or injure for the purposes of the Company, any house or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, or nursery ground for trees, or to convey from

Restrictions in the powers of Companies.

the premises of any person any water already appropriated and necessary for his domestic uses, without the consent, in writing, of the owner or owners thereof first had and obtained. C. S. C. c. 65, s. 84.

Rights of other  
Companies  
protected.

**70.** Nothing in this Act shall authorize any Company established under it to interfere with or infringe upon any exclusive privilege granted to any other Company. C. S. C. c. 65, s. 86.

#### PROHIBITIONS AND PENALTIES.

Penalty for  
illegal inter-  
ference by  
others.

**71.** If any person lays or causes to be laid any pipe or main, to communicate with any pipe or main belonging to any such Company, or in any way obtains or uses its Gas or Water without the consent of the Company, he shall forfeit and pay to the Company the sum of one hundred and twenty dollars, and also a further sum of four dollars for each day during which such communication remains, which sums, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province having the jurisdiction to the amount claimed. C. S. C. c. 65, s. 59.

Penalties for  
injurious act

**72.** If any person—

1. Wilfully or maliciously breaks up, pulls down, or damages, injures, puts out of order or destroys, any main pipe, engine, water-house pipe, plug or other works, or apparatus, appurtenances or dependencies thereof, or any matter or thing made and provided for the purpose aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to any such Company; or

2. In anywise wilfully does any other injury or damage, for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or causes or procures the same to be done; or

3. Bathes, or washes, or cleans any cloth, wool, leather, skin animals, or any nauseous or offensive thing, or casts, throws or puts any filth, dirt or any nauseous thing, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed into, or causes any other annoyance to be done to the water within any reservoir, cistern, pond, source or fountain from which the water belonging to the Company is to be supplied or conveyed; or

4. Increases the supply of Gas or Water, agreed for with the Company, by increasing the number or size of the holes in the gas burners, or using the gas without burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly burning the same, or by wrongfully or improperly wasting the Water or Gas;

such person shall, on conviction thereof before a Justice of the Peace or any other person authorized to act in that capacity in the locality wherein the offence has been committed, be compelled to pay for the use of the Company a penalty not exceeding twenty dollars, together with costs of prosecution, or be confined in the common gaol of such County for a space of time not exceeding three months, as to such Justice seems meet. C. S. C. c. 65, s. 60. On conviction.

**73.** Nothing in this Act contained shall prevent any person from constructing any works for the supply of Gas or Water to his own premises. C. S. C. c. 65, s. 61. Private rights as to Gas and Water.

**74.** Neither the service nor connecting pipes of such Company, nor any meters, lustres, lamps, pipes, gas fittings or any other property of any kind whatsoever of the Company, shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by such Company, notwithstanding the actual or apparent possession thereof by such person. C. S. C. c. 65, s. 62. Fittings not liable to rent of tenants.

**75.** If any person wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, or fittings belonging to any such Company, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter or meters indicate less gas than actually passes through the same, such person shall incur a penalty to the use of the Company, for every such offence, of a sum not less than four dollars nor exceeding twenty dollars, and shall also pay all charges necessary for the repairing or replacing the said meter, pipes or fittings, and double the value of the surplus gas so consumed; such damages, penalties and charges to be recovered with costs as hereinafter provided. C. S. C. c. 65, s. 63. Penalty for wilful damage of meters, lamps, &c.

**76.** If any person wilfully extinguishes any of the public lamps or lights, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the Company, he shall forfeit and pay to the use of the Company a penalty not less than four dollars nor more than twenty dollars, and shall also be liable to make good all damages and charges, to be recovered with costs as hereinafter provided. C. S. C. c. 65, s. 64. Penalty for injuring public gaslight works

**77.** If any person supplied by the Company with Gas or Water, or both, neglects to pay the rent, rate or charge due to the Company at any of the times fixed for the payment thereof, the Company, or any person acting under their authority, on giving forty-eight hours' previous notice, may stop the supply of Gas Remedy for price of gas or water furnished.

or Water, or both, from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by such other means as the Company or its officers see fit, and may recover the rent or charge due up to such time, together with the expenses of cutting off the Gas or Water or both, as the case may be, in any competent Court, notwithstanding any contract to furnish for a longer time. C. S. C. c. 65, s. 65.

Removal of  
gas or water  
fittings.

**78.** In all cases where the Company may lawfully cut off and take away the supply of Gas or Water, or both, from any house, building, or premises, the Company, their agents and workmen, upon giving forty-eight hours' previous notice to the person in charge or the occupier, may enter into the house, building or premises between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fittings or apparatus, the property of and belonging to the Company, and any servant of the Company duly authorized may, between the hours aforesaid, enter any house into which Gas or Water or both have been taken, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe, or apparatus belonging to the Company or used for their Gas or Water or both, and if any person refuses to permit or does not permit the servants and officers of the Company to enter and perform the acts aforesaid, the person so refusing or obstructing shall incur a penalty to the Company for every such offence of forty dollars, and a further penalty of four dollars for every day during which such refusal or obstruction continues, to be recovered with costs as herein-after provided. C. S. C. c. 65, s. 66.

#### ENFORCEMENT OF PENALTIES.

How fines may  
be enforced.

**79.** All fines, penalties and forfeitures imposed by this Act may be sued for and recovered with costs by any such Company or by any person whose property is injured, to and for the use of such Company or person, either in the manner hereinbefore directed, or before a Justice or Justices of the Peace or any other person authorized to act in that capacity, where the offence has been committed, on the oath of any one credible witness. C. S. C. c. 65, s. 76.

In what Courts  
actions may  
be brought.

**80.** All actions for damages or penalties or both given by this Act, shall be brought in Courts having jurisdiction to the amount involved in such suit, unless otherwise specially provided and authorized by this Act. C. S. C. c. 65, s. 77.

Proceedings  
when damages  
and penalties  
separate.

**81.** Where damages as well as a penalty may be given, such damages and penalty may be sued for separately, and such fines, penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant has no goods to



satisfy the same, he shall be committed to the common gaol for such period not exceeding two months as the Justice or Court may direct. C. S. C. c. 65, s. 78.

## ARBITRATIONS.

**82.** If it is found necessary or deemed proper to conduct any of the pipes or to carry any of the works of the Company through the lands of any person, lying within ten miles of the Municipality for supplying which the Company is incorporated, and the consent of such person cannot be obtained for that purpose, the Company may nominate and appoint one indifferent person, and the owner or owners of the land taken or damaged may nominate and appoint another indifferent person, which two persons so appointed shall nominate and appoint a third person, and the said three persons shall act as Arbitrators in such matter of dispute between the Company and the owner or owners of the property. C. S. C. c. 65, s. 80.

When arbitrations may be had.

**83.** The said Arbitrators shall examine all witnesses and administer all necessary oaths or declarations to them, and the said Arbitrators, or a majority of them, shall award, determine and adjudge what sum or sums of money respectively shall be paid to the owner or owners of the property so taken or damaged by the Company. C. S. C. c. 65, s. 81.

Powers and duties of arbitrators.

**84.** The sum or sums of money so awarded shall be paid within three months after the date of the award, and in default of such payment, the proprietor may resume the possession of his property, with all the rights appertaining thereto. C. S. C. c. 65, s. 82.

When sums awarded to be paid.

**85.** In the event of either the Company or the owner of such property failing to appoint an Arbitrator, after eight days' notice from one of the said parties to the other, or of the said two Arbitrators failing to appoint a third, the Judge of the County Court of the County within which the said property lies may appoint a third Arbitrator, and the decision of the said three Arbitrators, or a majority of them, shall be binding on all parties concerned. C. S. C. c. 65, s. 83.

How arbitrators appointed in case of neglect.

## MISCELLANEOUS.

**86.** In all proceedings which may have been had or taken under the Act passed in the sixteenth year of Her Majesty's reign, to provide for the formation of Incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water, or in or about any Company incorporated thereunder, the word "Trustees," wherever the same occur, shall be taken to be and be construed to mean the Directors. C. S. C. c. 65, s. 87.

"Trustees" in 16 V. c. 173 to mean Directors.

Companies formed or in course of being formed continued.

**87.** Every Company formed or in course of being formed under any former general Act respecting Joint Stock Companies for the purposes mentioned in this Act, when this Act takes effect, shall continue, or the formation thereof be completed under and subject to the provisions of this Act, in like manner as if such Companies had originally been formed under this Act. C. S. C. c. 65, s. 88.

**88.** No amendment or repeal of this Act, nor the consequent dissolution of any corporation created under this Act, shall take away or impair any remedy given against any such corporation, its shareholders or officers, for any liability which had been previously incurred. C. S. C. c. 65, s. 89.

## CHAPTER 158.

### An Act respecting Co-operative Associations.

Incorporation, ss. 1 and 2.  
Limit of shares, s. 3.  
Places where business may be carried on, s. 4.  
Rules, ss. 5-8.  
Capital, s. 9.  
Payment of shares, s. 10.  
Elections of trustees, ss. 11, 12.  
Officers to give security, s. 13.  
Association to give publicity to its name, s. 14.

Business to be a cash business, s. 15.  
Penalty for misapplication of money, &c., s. 16.  
Disputes between members to be settled by arbitration, s. 17.  
Annual return to Provincial Secretary, s. 18.  
Winding up of Association, s. 19.  
Liability of shareholders, s. 20.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Seven or more persons may associate themselves together for co-operative labour, trade, &c.

**1.** At any time hereafter, any seven or more persons who may desire to associate themselves together for the purpose of carrying on any labour, trade or business, or several labours, trades, or businesses, whether wholesale or retail, except the working of mines, minerals or quarries, and except also the business of Banking and Insurance, may make, sign and acknowledge before a Notary Public or Justice of the Peace, and file in the office of the Registrar of the County or other Registration Division in which the business of

the Association is intended to be carried on, a certificate in writing in the form mentioned in the Schedule to this Act or to the same effect, and a duplicate thereof in the office of the Provincial Secretary, and thereupon and upon the filing of the Registrar's certificate, as in the sixth section hereinafter mentioned, the Provincial Secretary shall grant his certificate, which shall be conclusive evidence that the Association mentioned therein has been duly registered; and thereupon the members of such Association shall become a body corporate by the name therein described, having perpetual succession and a common seal, with power to hold such lands as are required for the convenient management of their business; and may, by such corporate name, sue and be sued in all Courts of Justice in this Province. 29 V. c. 22, s. 1.

Provincial Secretary to grant certificate, on compliance with this Act.

2. No Association shall be registered under a name identical with that by which any other existing Association has been registered, or so nearly resembling such name as to be likely to deceive the members or the public, and the word "Limited" shall be the last word in the name of any Association registered under this Act. 29 V. c. 22, s. 2.

Identical names not allowed to different associations.

3. No member shall be entitled in any Association registered under this Act, to hold or claim any interest exceeding four hundred dollars. 29 V. c. 22, s. 3.

Each member's share limited.

4. Any certificate so to be filed may designate any one or more places where the business is to be carried on, but if in different Counties or Registration Divisions, a duplicate must be filed in the Registrar's Office of each County or Registration Division. 29 V. c. 22, s. 4.

Places where business may be carried on.

5. Before any Association commence operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the Association; and the rules of every Association to be formed under this Act shall contain provisions in respect of the several matters following:—

Rules to be framed.

(a.) Mode of convening general and special meetings, and of altering rules;

(b.) Provisions for the audit of accounts;

(c.) Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members;

(d.) Mode of application of profits;

(e.) Appointment of managers and other officers, and their respective powers and remuneration, and provisions for filling vacancies occasioned by death, resignation, and other causes.

29 V. c. 22, s. 5.

Rules to be transmitted for approval by the Lieut.-Governor and registered.

**6.** Such rules shall, before adoption, be transmitted to the Provincial Secretary for the approval of the Lieutenant-Governor, and if such rules are found in conformity with law, and with the provisions of this Act, and are approved by the Lieutenant-Governor, the Provincial Secretary shall give a certificate to that effect in duplicate, and shall forward one to the Registrar of the County or other Registration Division, and the other to the Secretary of the Association, and all rules, when so certified, shall be binding on all the members of the Association, in the same manner as if they had been inserted in this Act, and upon such rules being so certified and filed the Association shall be held to be completely registered and incorporated. 29 V. c. 22, s. 6.

Approval, &c., to complete incorporation.

Alteration of rules.

**7.** After such rules have been so certified, it shall be lawful for such Association, by resolutions, at a meeting specially called for that purpose, to alter, amend, or rescind the same, or any of them, or to make new rules.

Alterations must be approved before coming into force, and registered.

**2.** Two copies of the proposed alterations, or amendments, and of such new rules, shall be transmitted to the Provincial Secretary for approval as aforesaid, to one of which shall be attached a declaration by the Secretary, or one of the officers of such Association, that in making the same, the rules of such Association respecting the making, altering, amending and rescinding rules, and the directions of the Act in respect thereof, have been duly complied with, and if such alterations, amendments and new rules are found in conformity with law, and are approved as aforesaid, the Provincial Secretary shall give to the Society a similar certificate to that in the last section mentioned, and forward a copy of such amendments, so certified, to the Registrar of the County, or other Registration Division, and another to the Secretary of the Association, which shall thereupon become binding on the several members, and all persons claiming under a member. 29 V. c. 22, s. 7.

Rules to be binding on Association and the members thereof.

**8.** The rules of every Association registered under this Act shall bind the Association and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant, on the part of himself, his heirs, executors and administrators, to conform to such rules, subject to the provisions of this Act; and all moneys payable by any member to the Association, in pursuance of such rules, shall be deemed to be a debt due from such member to the Association. 29 V. c. 22, s. 13.

Capital.

**9.** The capital of the Association shall be in shares of such denomination as may be mentioned in the said rules. 29 V. c. 22, s. 8.

Payment shares.

**10.** The shares may be payable by instalments not exceeding twenty per cent. at such times and in such manner as may be mentioned in the rules; but no member shall be en-



titled to draw more than his proportion of interest on the paid up portion of his shares ; and shares shall not be transferable, but the members may, from time to time, withdraw, upon such terms as may be specified in the rules. 29 V. c. 22, s. 9.

**11.** All elections shall be by ballot, and each member shall be entitled to one vote only. 29 V. c. 22, s. 10. Elections.

**12.** In case it happens at any time that an election of Trustees is not made on the day designated in the rules of the Association, when it ought to have been made, the Association shall not for that reason be dissolved, but an election may be held on any other day in such manner as may be provided for in the rules, or at a general meeting of the members, to be specially called for that purpose, due notice being given of such election as in the rules provided, and all acts of Trustees, until their successors are appointed, shall be valid and binding. 29 V. c. 22, s. 11. Provision in case of failure of any election.

**13.** Every person appointed to any office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandize for the purposes of the Association, shall, before entering upon the duties of his office, give such security as is deemed sufficient by the Trustees, which security shall be varied in amount or renewed from time to time, as by the amount of business done, or by other circumstances may, from time to time, in the discretion of the Trustees be rendered necessary. 29 V. c. 22, s. 15. Officers to give security.

**14.** Every Association registered under this Act shall have painted or affixed, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Association is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of such Association, and in all cheques and orders for money or goods, purporting to be signed by or on behalf of such Association, and in all bills of parcels, invoices, receipts and letters of credit of the Association. 29 V. c. 22, s. 12. Every Association to give publicity to its name.

**15.** The business of the Association shall be a cash business exclusively ; no credit shall be either given or taken, and no officer, member or servant of the Association, or any number of them together, shall have power to contract any debt whatever in its name, except in respect of rent of the premises required for the business, the salary of clerks and servants, and such like contracts, necessary in the management of the affairs of the Association ; everything shall be bought and sold for cash only. 29 V. c. 22, s. 14. Business to be for cash only.

Officers or persons obtaining improper possession of money, &c., or misapplying the same.

**16.** If any officer, member or other person, being or representing himself to be a member of such Association, or the heirs, executors, or administrators of a member thereof, or any person whatsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers or other effects of such Association, or having the same in his possession, withholds or misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such Association, or any part thereof, any Justice of the Peace, acting in the County or City in which the place of business of such Association is situated, upon complaint made by any person on behalf of such Association, may summon the person against whom such complaint is made to appear at a time and place to be named in such summons, and any two Justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint, and if the said Justices determine the said complaint to be proved against such person, they shall adjudge and order him to deliver up all such money, securities, books, papers or other effects to the Association, or to repay the amount of money applied improperly, and to pay, if they think fit, a further sum of money not exceeding eighty dollars, together with costs not exceeding four dollars; and in default of such delivery of effects, or payment of such amount of money, or payment of such penalty and costs aforesaid, the said Justices may order the person so convicted to be imprisoned in the common gaol with or without hard labour for any term not exceeding three months: but nothing herein contained shall prevent the Association from proceeding by indictment against the said party. 29 V. c. 22, s. 16.

Proceedings in such case.

Penalty.

Proviso.

*[The following proviso is added in Sec. 16 of 29 V. c. 22.]*

Proviso.

Provided also, that no person shall be proceeded against by indictment, if a conviction shall have been previously obtained for the same offence under the provisions of this Act.]

Disputes to be settled by arbitration.

**17.** Every dispute between any member or members of any Association established under this Act, or any person claiming through or under a member, or under the rules of such Association, and the Trustees, Treasurer or other officer thereof, shall be decided by arbitration in manner directed by the rules of such Association, and the decision so made shall be binding and conclusive on all parties without appeal. 29 V. c. 22, s. 17.

Annual return to Provincial Secretary.

**18.** The Trustees shall, once in every year, transmit to the Provincial Secretary a general statement of the funds and effects of the Association, the number of shareholders therein, and such other information as may be requisite to show clearly the position of the Association, and the business done during the year, which return shall be verified by the affidavit or declaration of the President and Manager. 29 V. c. 22, s. 18.

[The original section adds:—

And any person signing or making such affidavit or declaration, knowing the same to be in any respect untrue, shall be deemed guilty of perjury, and liable to be punished accordingly.]

**19.** In case of the dissolution of any such Association, such Association shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that such Association may do all things necessary to the winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters. 29 V. c. 22, s. 19.

**20.** The liability of the shareholders shall be limited, that is to say: no shareholder in any such Association shall be in any manner liable for or charged with the payment of any debt or demand due by the Association, beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability. 29 V. c. 22, s. 20.

### SCHEDULE.

(Section 1.)

## FORM OF CERTIFICATE.

PROVINCE OF ONTARIO, } We (insert names of subscribers, not less than  
To Wit: } seven) do hereby certify that we desire to form a  
} Company or Association pursuant to the provi-  
sions of Chapter 158 of "The Revised Statutes of Ontario," entitled "An  
Act respecting Co-operative Associations."

The corporate name of the Association is to be (*insert name of the Association*), Limited; and the objects for which the Association is to be formed are (*insert objects for which Association is formed*). The number of shares is to be unlimited, and the capital is to consist of shares of (*insert amount of share*) each, or of such other amount as shall from time to time be determined by the Rules of the Association. The number of the Trustees who shall manage the concerns of the Association shall be (*insert number of Trustees*), and the names of such Trustees for the first year are (*insert names of such Trustees*), and the name of the place (or places) where the operations of the said Association are to be carried on is, or are (*insert name of place or places where the operations of the said Association are to be carried on*.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_ .  
(Signatures.)

On the            day of            , A.D. 18    , before me personally appeared (*insert names of subscribers to the certificate*), to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

[A. B.]  
Notary Public.

## CHAPTER 159.

## An Act to Protect Cheese and Butter Manufacturers.

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Penalty for supplying adulterated milk, s. 1.	Recovery of penalty, s. 3.
Penalty for fraudulent use of cream from milk supplied, s. 2.	Justices interested not to try complaint, s. 4.
	Civil remedy, s. 5.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Fraudulent supply.

**1.** Whosoever knowingly and fraudulently sells, supplies, brings or sends to be manufactured to any cheese or butter manufactory in this Province, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as “skimmed milk,” or whoever keeps back any part of the milk known as “strippings,” or whoever knowingly and fraudulently sells, sends, brings or supplies to any cheese or butter manufactory milk that is tainted or partly sour from want of proper care in keeping pails, strainers, or any vessel in which said milk is kept clean and sweet, after being notified of such taint or carelessness, either verbally or in writing, shall for every offence forfeit and pay a sum not less than one dollar nor more than fifty dollars, in the discretion of the Justices before whom the case is heard. 31 V. c. 33, s. 1.

Penalty.

Fraudulent use of cream of milk supplied.

**2.** Any butter or cheese manufacturer who knowingly and fraudulently uses, or directs any of his employees to use for his or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without the consent of all the owners thereof, shall, for every offence, forfeit and pay a sum not less than one dollar nor more than fifty dollars, in the discretion of the Justices before whom the case is heard. 31 V. c. 33, s. 1.

Penalty.

Conviction and levy.

**3.** Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals



or the hands and seals of any two of them, and the penalty, when recovered, shall be paid over by such Justices, one-half to the person complaining, and one-half to the Treasurer of the Municipality, District or place where the offence has been committed; and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such Justices, or any two of them, unless such penalty, costs, and the charges of commitment are sooner paid. 31 V. c. 33, s. 2.

In default of  
distress, im-  
prisonment.

4. No Justice or Justices having any pecuniary interest in any such cheese or butter manufactory as aforesaid, shall hear or determine any such complaint. 31 V. c. 33, s. 4.

Proviso as to  
Justices in-  
terested.

5. Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil Court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the Court in which such suit is brought. 31 V. c. 33, s. 3.

Civil remedy.

## 2. *Insurance Companies.*

- CHAP. 160.—General Insurance Act, p. 1434.  
 „ 161.—Mutual Fire Insurance Companies, p. 1448.  
 „ 162.—Fire Insurance Policies, p. 1463.

### CHAPTER 160.

#### An Act respecting Insurance Companies.

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|---|---|
| Short title, s. 1.  | make deposit, &c., s. 20.   |
| Companies to which Act does not apply, s. 2.  | Administration of deposits, when may be had, ss. 21, 22.                                |
| Companies to which Act applies to obtain license before doing business, 3-5.                                      | Duty of Company ceasing to do business, ss. 23-25.                                      |
| Deposit to be made before issue of license, ss. 6-14.   | Annual statements to be made to Provincial Treasurer, ss. 26, 27.                       |
| Charter of Company and power of attorney to its head office in Ontario, to be filed before license issues, s. 15. | Investigation of insurance business in the Province by the Provincial Treasurer, s. 28. |
| Service of Companies with legal process, s. 16.   | Records to be kept in Treasury Department, s. 29.                                       |
| Notice of license to be published by Company, s. 17.  | Report from yearly statements to be laid before the Legislative Assembly, s. 30.        |
| Half-yearly statement of licensed Companies to be published by Provincial Treasurer, s. 18.                       | Examination in the affairs of Insurance Companies, ss. 31, 32.                          |
| Penalty for doing business without a license, s. 19.  | Compulsory proceedings to discontinue Companies, s. 33.                                 |
| Forfeiture of license by failure to   | Cancellation of licenses of unsafe Companies, s. 34.                                    |
|   | Fees, s. 35.  |

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      1. This Act may be cited as "*The Ontario Insurance Act.*"

To what Companies this Act does not apply.      2. This Act shall not apply to any Company licensed under Act of the Parliament of Canada to transact business of insurance in Canada, nor to any Company incorporated by Act of Parliament of Canada, nor to any Mutual Fire Insurance Company which does not receive cash premiums in lieu of premium notes, but acts exclusively on the mutual principle. 39 V. c. 23, s. 1.

3. Except such Insurance Companies as are mentioned in the next preceding section, it shall not be lawful for any Insurance Company to accept any risk or issue any policy of insurance, or receive any premium or transact any business of insurance in Ontario, or to prosecute or maintain any suit, action or proceeding, either at Law or in Equity, relating to such business without first obtaining a license from the Provincial Treasurer, to carry on business in Ontario. 39 V. c. 23, s. 2.

What Companies may transact business in Ontario.

4. The license shall be in such form as may be, from time to time, determined by the Provincial Treasurer, and shall specify the business to be carried on by the Company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year. 39 V. c. 23, s. 3.

Form of license.

5. As soon as the Company applying for a license has deposited with the Provincial Treasurer the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, the Treasurer shall issue the license. 39 V. c. 23, s. 4.

When license shall issue.

6. Before issue or renewal of the license, each Life, Fire, Inland, Marine Insurance or Guarantee Company shall deposit the sum of twenty-five thousand dollars at the least, and the further sum of five thousand dollars for every one million of dollars over five million dollars of risks of such Company, on the thirty-first day of December in the year next preceding, until the amount becomes fifty thousand dollars; and every Accident Insurance Company shall deposit the sum of twenty thousand dollars.

Deposit to be made.

2. Every Company incorporated before the commencement of the Session of the Legislature held in the thirty-ninth year of Her Majesty's reign may make such deposit in three equal annual instalments, on or before the first day of July in each year beginning with the first day of July, 1876, and a license may be issued to every such Company upon the deposit for the current year being duly made.

3. This section shall not apply to Companies mentioned in the tenth section of this Act.

4. Of Fire Insurance Companies whose risks do not exceed five million dollars, the deposit shall be ten thousand dollars at the least, to be increased by five thousand dollars for every one million dollars over two million dollars of risks of such Company. 39 V. c. 23, s. 5.

7. Such deposits may be made in securities of the Dominion of Canada, or in securities issued by any of the Provinces of Canada; and the value of such securities shall be estimated at their market value at the time when they are so deposited.

Deposits, in what securities.

2. If any securities other than those above named are offered as a deposit, they may be accepted at such valuation and on such conditions as the Provincial Treasurer may direct.

If market value declines Company to make further deposit.

3. If the market value of any of the securities which have been deposited by any Company declines below the value at which they were deposited, the Treasurer may, from time to time, call upon the Company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which they are required to deposit by this Act. 39 V. c. 23, s. 6.

Deposit for each branch of business.  
Provide: as to combination of certain branches.

8. When any Company carries on more than one description of insurance business, it shall make a separate deposit as aforesaid for each branch of its business: but a Company combining Life and Accident Insurance or Fire and Inland Marine Insurance shall only be required to make one deposit for each such combination. 39 V. c. 23, s. 7.

Deposits by and licenses to certain Mutual Fire Ins. Companies.

9. Any Mutual Fire Insurance Company not required to be licensed by the laws of the Dominion of Canada, doing any business in Ontario, for cash premiums on risks other than from its own members, shall, on or before the first day of July in each year, deposit with the Provincial Treasurer an amount equal to one-fourth of the net cash premiums received by the Company for such business in Ontario during the year ending on the thirty-first day of December next preceding, and shall keep such amount on deposit, subject to increase or reduction yearly on the first day of July, according to the amount of such one-fourth; and upon such deposit being made and continued, the Treasurer shall issue or renew the license to the Company.

Deposits by other Companies than as above.

2. Any Mutual Fire Insurance Company authorized before the tenth day of February, 1876, by any statute to transact any business for cash premiums on risks other than for its members, may make such deposit in three equal annual instalments, the first being made on or before the first day of July, one thousand eight hundred and seventy-seven, and the license may issue to such Company accordingly, or be renewed as the deposit for each year is duly made. 39 V. c. 23, s. 8.

Additional obligation of a Life Insurance Company whose deposit is less than \$25,000 to make returns of premiums received and deposit the amount in securities.

10. Whenever and so long as the deposit of any Life Insurance Company is less than twenty-five thousand dollars, the agent of the Company shall send in yearly to the Provincial Treasurer, within one month after the first day of January of each year, a return, under oath (Schedule A.), of the amount of Life Insurance premiums received by the Company on risks for the period covered by the annual statement mentioned in section twenty-six, and after deducting twenty-five per cent. therefrom, and the net amount of losses or claims actually paid, shall invest the same in such of the securities authorized by this Act as his Company directs, or in default of such direction, as he



thinks fit, and shall deposit such securities in the hands of the Provincial Treasurer, for the purposes of this Act and subject to its provisions the balance of such premiums, until the deposit of such Company is equal to fifty thousand dollars; and so long as such deposit is under fifty thousand dollars, no interest or dividends shall be paid on the actual deposit, but such interest or dividend shall be added to the principal every half-year until, with the premiums hereinbefore mentioned, the deposit amounts to fifty thousand dollars.

2. Every Company which has not deposited the full amount required under the provisions of the sixth section of this Act, shall be credited in its annual payments on account of such deposit with the amounts deposited under the provisions of this section. 39 V. c. 23, s. 9.

11. A Company may deposit in the hands of the Provincial Treasurer any sums of money or securities beyond the sum required; and such further sums of money or securities therefor, shall be dealt with as if the same had been part of the original deposit; and no part of the additional deposit shall be withdrawn except with the sanction of the Lieutenant-Governor. 39 V. c. 23, s. 10.

Company may deposit beyond the amount absolutely required.  
As to withdrawal of surplus.

12. A Company having made a deposit under this Act shall be entitled to withdraw such deposit, with the sanction of the Lieutenant-Governor in Council, whenever it is made to appear to the satisfaction of the Lieutenant-Governor in Council that such Company is carrying on its business of insurance under license from the Dominion of Canada. 39 V. c. 23, s. 11.

Withdrawal of deposit where Company licensed by Dominion.

13. If from the annual statements, or after examination of the affairs and condition of any Company, it appears that the re-insurance value of all its risks outstanding in Ontario, together with any other liabilities in Ontario, exceeds its assets in Ontario, including the deposit in the hands of the Treasurer, then the Company shall be called upon by the Treasurer to make good the deficiency at once, and on failure so to do its license shall be cancelled. 39 V. c. 23, s. 12.

Any deficiency of security to be made good, or license forfeited.

14. Except in cases with respect to which it may be otherwise provided by the Lieutenant-Governor in Council, so long as any Company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Provincial Treasurer, the interest upon the securities forming the deposit shall be handed over to the Company. 39 V. c. 23, s. 13.

As to interest on securities.

15. Before the issue of a license to any Company, the Company shall file in the Department of the Provincial Treasurer a certified copy of the Act of incorporation, or other instrument of association of the Company, and also a power of attorney from the Company to its head officer or agent in Ontario, 39 V. c. 23, s. 14.

Certain documents to be filed before license is granted; what they must show.

under the seal of the Company or resolution, and signed by the President and Secretary or other proper officer thereof, containing the matters hereinafter mentioned, verified by their oath, and further corroborated on oath by the head officer or chief agent of such Company, or by some person cognizant of the facts necessary to its verification, and also a statement of the condition and affairs of such Company on the thirty-first day of December then next preceding, or up to the usual balancing day of the Company (but such day shall not be more than twelve months before the filing of the statement), in such form as may be required by the Treasurer of Ontario.

Contents of  
power of,  
attorney.

2. The said power of attorney shall declare at what place in Ontario the head office or chief agency of the Company is or is to be established, and shall expressly authorize such attorney to receive process in all suits and proceedings against such Company in Ontario for any liabilities incurred by the Company therein, and shall declare that service of process for or in respect of such liabilities at such office or chief agency, or personally on such attorney, at the place where such head office or chief agency is established, shall be legal and binding on the Company to all intents and purposes whatsoever.

If changes are  
made in chief  
agency, docu-  
ment to be  
filed.

3. Whenever any Company licensed under this Act changes its chief agent or chief agency in Ontario, such Company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process as hereinbefore mentioned.

Such docu-  
ments to be  
filed in Court.

4. Duplicates of all such documents duly verified as aforesaid shall be filed at Toronto, in the Process Office of the Superior Courts of Common Law, and in that of the Clerk of Records and Writs of the Court of Chancery. 39 V. c. 23, s. 14.

Process and  
suits.

16. After the certified copies referred to in the last preceding section and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such Company for any liabilities incurred in Ontario, may be served on the Company at its chief agency, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in proceedings in any civil suit in Ontario.

Service other-  
wise than as  
above.

2. Nothing herein contained shall render invalid service in any other mode in which such Company may be lawfully served. 39 V. c. 23, s. 15.

Companies to  
give notice of  
license.

17. Every Company obtaining such license as aforesaid shall forthwith give due notice thereof in the *Ontario Gazette*, and in at least one newspaper in the County, City or place where the head office or chief agency is established, and shall continue the publication thereof once each week for the space

of four weeks : and the like notice shall be given for the same period when such Company ceases, or notifies that it intends to cease to carry on business in Ontario. 39 V. c. 23, s. 16.

18. The Provincial Treasurer shall cause to be published half-yearly in the *Ontario Gazette* a list of Companies licensed under this Act, with the amount of the deposit made by each Company ; and upon any new Company being licensed, or upon the license of any Company being withdrawn in the interval between two such half-yearly statements, he shall publish a notice thereof in the *Ontario Gazette* for the space of two weeks. 39 V. c. 23, s. 17.

Statement to be published by Provincial Treasurer.

19. Any person who delivers any policy of insurance or collects any premium or transacts any business of insurance on behalf of any Company as aforesaid, without such Company being licensed under this Act, or if such license has been withdrawn, or without the renewal thereof, or without filing the copy of the Act of incorporation, or other instrument of association of the Company, and the power of attorney or any renewal thereof in the event of any change as hereinbefore provided, shall be liable to a penalty of two hundred dollars for each such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Ontario ; and one-half of the said penalty, when recovered shall be paid to the Crown, and the other half of the said penalty to the informer ; and in case of non-payment of such penalty and costs within one month after judgment, the person so offending shall be liable to imprisonment in any gaol or prison for a period not exceeding three months, in the discretion of the Court wherein he is convicted. 39 V. c. 23, s. 18.

Penalty for transacting business in contravention of this Act.

How enforced and applied.

20. Wherever any Company fails to make the deposits under this Act at the time required, or wherever written notice has been served on the Provincial Treasurer of any undisputed claim arising from loss insured against in Ontario remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of such Company is liable to be reduced by sale of any portion thereof, the license of the said Company shall *ipso facto* be null and void, and shall be deemed to be withdrawn ; but such license may in the two last mentioned cases be renewed, and the Company may again transact business, if within sixty days after notice to the Provincial Treasurer of the Company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, such undisputed claims or final judgments upon or against the Company in Ontario are paid and satisfied, and the Company's deposit is no longer liable to be reduced below the amount required by this Act. 39 V. c. 23, s. 19.

Licenses forfeited by failure to deposit, non-payment of claims and consequent deficiency of security.

Renewal on certain conditions.

When a Company shall be liable to have deposits administered.

Provision for application of deposits in such case.

Proviso, if delay was given for payment of any loss.

Appointment of receiver : his duty.

Proceedings in case of administration.

What may be claimed by parties insured in Ontario.

Sale of securities deposited.

If further loss occurs and deposits do not cover claims.

**21.** Any Company shall be liable to have its deposits in the hands of the Provincial Treasurer administered in manner hereinafter mentioned upon the failure of such Company to pay any undisputed claim arising or loss insured against, in Ontario, upon any policy held in Ontario, for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Provincial Treasurer. In case of such administration, all deposits of such Company held by the said Treasurer shall be applied *pro rata* towards the payment of all claims duly authenticated against such Company, as well as in respect of unearned premiums upon or in respect of policies issued to policy holders in Ontario, and the distribution of the proceeds of such deposit may be made by order of the Court of Chancery.

2. In any case where a claim for loss is by the terms of the policy payable on proof of such loss, without any stipulated delay, the notice to the Provincial Treasurer under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due. 39 V. c. 23, s. 20.

**22.** Upon granting an order for administration as aforesaid, the Court shall appoint a receiver, who may be an officer of the Court, who shall forthwith call upon the Company to furnish a statement of all its outstanding policies in Ontario, and upon all such policy holders to file their claims; and upon the filing of the claims before the receiver, the parties interested shall have the right of contestation thereof, and the right of appeal from the decision of the receiver to the Court as aforesaid, according to the practice of the Court; and in case of any such administration, the parties insured in Ontario shall be entitled to claim for a part of the premiums paid proportionate to the unexpired period of their policies respectively, and such return premium shall rank with judgments obtained and claims accrued, in the distribution of the assets; and upon the completion of the schedule to be prepared by the receiver of all judgments against the Company upon such policies held in Ontario and of all claims for re-insurance or for surrender of policies the Court shall cause the securities held by the Provincial Treasurer for such Company, or any part of them, to be sold in such manner and after such notice and formalities as the Court appoints; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company. But, if any loss is sustained or any claim arises after the statement of such outstanding policies has been obtained from the Company, as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds of the securities, or if the proceeds of the securities are not sufficient to cover in full all claims recorded in the schedule, such policy-holders shall not be barred



from any recourse they may have either in law or equity against the Company issuing the policy in respect of such deficiency ;

2. The Court, by the order appointing a receiver, or by any subsequent order, may authorize the receiver to exercise in respect of the accounts of the Company all or any of the powers which the Master of the Court would have if he were taking an account of the claims against the said deposit, and every receiver so authorized shall possess the said powers as well as the powers usually enjoyed by a receiver appointed under an order of the said Court. 39 V. c. 23, s. 21.

Court may confer upon receiver the powers of a Master.

23. When any Company has ceased to transact business in Ontario, and has given written notice to that effect to the Provincial Treasurer, it shall insure, on behalf of its Ontario policy holders, all their outstanding risks, in some Company or Companies licensed to do business in Ontario, or obtain the surrender of the policies, and its securities shall not be delivered to the Company until the same is done to the satisfaction of the Treasurer. 39 V. c. 23, s. 22.

Duty of Company ceasing business.

24. Upon making application for its securities, the Company shall file with the Provincial Treasurer a list of all Ontario policy holders who have not been so re-insured or have not surrendered their policies; and it shall at the same time publish in the *Ontario Gazette* a notice that it has applied to Government for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon its Ontario policy holders opposing such release to file their opposition with the Provincial Treasurer on or before the day so named; and after that day, if the said Treasurer is satisfied that the Company has ample assets to meet its liabilities to Ontario policy holders, all the securities may be released to it by an Order of the Lieutenant-Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed; and the remainder may be released, and thereafter from time to time as such opposing risks lapse, or proof is adduced that they have been satisfied, further releases may be made on the authority aforesaid. 39 V. c. 23, s. 23.

Conditions on which deposits may be released.

25. After a Company has ceased to transact business in Ontario after the notice hereby required, and its license has in consequence been withdrawn, such Company shall nevertheless pay the losses arising upon policies not re-insured or surrendered, as if such license had not been withdrawn. 39 V. c. 23, s. 24.

Company ceasing business in certain cases to pay losses.

26. It shall be the duty of the President, Vice-President, or Managing Director, and Secretary or Manager of every Company incorporated for purposes of transacting business of insurance in Ontario to prepare annually under their oath, on the

Yearly statement to Treasurer of Ontario, what it must show,

and how it  
must be  
verified.

first day of January, or within one month thereafter, a statement of the condition and affairs of such Company on the thirty-first of December then next preceding, exhibiting the facts and items in the form given in Schedule B appended to this Act, and to cause such statement to be deposited in the office of the Provincial Treasurer ; such statement to be accompanied by a declaration to the effect shown in the said Schedule, sworn to before some person duly authorized to administer oaths in any legal proceeding, and every such person is hereby authorized to administer any oath required under this Act.

Form of  
statement  
may be  
changed by  
Provincial  
Treasurer.

2. The Provincial Treasurer may, from time to time, make such changes in the form of the statements as seem to him best adapted to elicit from the Companies a true exhibit of their condition in respect to the several points hereinbefore enumerated ; and also to make the statement applicable to so much of the business of Mutual Fire Insurance Companies as is transacted on the cash premium principle. 39 V. c. 23, s. 25.

Penalty for  
contravention  
of above  
section.

27. Any violation of the next preceding section shall subject the Company violating the same to a penalty of two hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such Company neglects to make such publication, or to file such affidavits and statements as are therein required ; if such penalties are not paid, the Lieutenant-Governor in Council may order such Company's license to be suspended or cancelled, as may be deemed expedient. 39 V. c. 23, s. 26.

Provincial  
Treasurer may  
examine and  
report to Lieu-  
tenant-Gov-  
ernor as to  
insurance, &c.

28. For the efficient administration of insurance business in this Province, and to enforce strictly the provisions of this Act, with the necessary details resulting therefrom, the Provincial Treasurer may, through any officer in his department, examine and report to the Lieutenant-Governor, from time to time, upon all matters connected with insurance, as carried on by the several Companies licensed to do business in Ontario, or required by this Act to make returns of their affairs ; and may also examine into and report to the Lieutenant-Governor upon the affairs and transactions of any Mutual Fire Insurance Company doing business in Ontario, and to which any provision of this Act, or of *The Act respecting Mutual Fire Insurance Companies* applies. 39 V. c. 23, s. 28.

Rev. Stat.  
c. 161.

Certain re-  
cords to be  
kept in the  
Treasury De-  
partment.

29. A record shall be kept in the Treasury Department of the several documents required to be filed by each Company under the fifteenth section of this Act, and under the heading of each Company shall be entered the securities deposited on its account with the Provincial Treasurer, naming in detail the several securities, their par value, and value at which they are received as deposit ; and before the issue of any new license, or the renewal of any license to any Company, the requirements

Terms where-  
on license may  
be renewed.

of the law shall be complied with by such Company, and the statement of its affairs shall show that it is in a condition to meet its liabilities; and a record of the licenses as they are issued or renewed shall be kept in the Treasury Department. 39 V. c. 23, s. 29.

**30.** The Provincial Treasurer, from the yearly statements required to be made by each Company, shall prepare an annual report, showing the results of each Company's business, together with an analysis of each branch of insurance, with each Company's name, classified from the statements made by each Company; and the Treasurer shall lay such annual report before the Legislative Assembly at each Session thereof. 39 V. c. 23, s. 30.

The Treasurer may examine the affairs of each Company and report.

**31.** The Provincial Treasurer may, through an officer or clerk of his Department, visit the head office of each Company in Ontario at any time, and may examine the condition and affairs of each Company, and may report thereon to the Lieutenant-Governor in Council. 39 V. c. 23, s. 30.

Report of Provincial Treasurer to lay before the Legislative Assembly.

**32.** If after an examination into the condition and affairs and business of any Company licensed under this Act, from the annual or other statements furnished by such Company to the Treasurer of Ontario, or for any other cause, the said Treasurer deems it necessary and expedient to make a further examination into the affairs of such Company, and so reports to the Lieutenant-Governor in Council, the Lieutenant-Governor may appoint one or more qualified persons, at the expense of the Company, to visit the office of such Company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements; and it shall be the duty of the officers or agents of such Company to cause their books to be open for the inspection of the person or persons so appointed, and otherwise to facilitate such examination so far as it is in their power; and for that purpose the said person or persons so appointed shall have power to examine under oath such officers or agents of the Company, and such other person or persons, as they may think fit. 39 V. c. 23, s. 31; 40 V. c. 7, *Sched. A. (144)*.

Provision if Treasurer considers further inquiry necessary.

**33.** Whenever it appears to the Lieutenant-Governor in Council from such examination that the assets and financial position of such Company are such as not to justify the continuance in business of any such Company, the Attorney-General may apply in a summary manner on motion to one of the Superior Courts of Law or Equity for an order requiring such Company to show cause why the business of the Company should not be closed, and the Court shall thereupon proceed to hear the said parties, and in case it appears to the said Court that the assets and funds of the Company are not

Compulsory proceedings to the Court to decree a discontinuance of business on unfavourable report.

sufficient as aforesaid, the Court shall decree that the business of the said Company as an Insurance Company ought to be discontinued ; and it is hereby declared that thenceforward the business of the said Company as an Insurance Company shall be discontinued accordingly, and all the powers of the said Company as an Insurance Company shall cease, and all other powers granted to the said Company shall likewise cease, except so far as may be necessary for holding and disposing of the property, and winding up the affairs of the Company. 39 V. c. 23, s. 31 ; 40 V. c. 7, *Sched. A* (144).

If the Com-  
pany appears  
unsafe,  
Lieutenant-  
Governor may  
cancel license.

**34.** If it further appears to the Treasurer of Ontario, after full consideration of the affairs of any Company, and a reasonable time being given to the Company to be heard by him, after such further inquiry and investigation (if any) as he may see proper to make, that the assets of the Company are insufficient to justify its continuance of business, and he so reports to the Lieutenant-Governor in Council, then, if the Lieutenant-Governor in Council also concurs in such opinion, an Order in Council may issue suspending or cancelling the license of such Company, which shall then, during such suspension or cancellation, be held to be unlicensed ; and after the notification of the suspension or cancelling of such license in the *Ontario Gazette*, any person delivering any policy of insurance, or collecting any premium, or transacting any business of insurance on behalf of such Company, shall be liable to the penalties provided for by the twenty-seventh section of this Act. 39 V. c. 23, s. 32.

Penalty for  
doing business,  
after suspen-  
sion of license  
and notice  
thereof.

Fees to be col-  
lected.

**35.** Each Company shall pay to the Treasurer of Ontario the following fees :—

For recording and filing in his office the several documents re- quired of each Company, under the fifteenth section of this Act .....	\$10 00
For change of attorney under the said section .....	5 00
For license to do business (except as to Companies mentioned in section nine, for which the fee shall be \$50) .....	100 00
For every renewal of such license (except as to Companies mentioned in section nine, for which the fee shall be \$25) ..	50 00
For filing annual statements of each Company .....	5 00

39 V. c. 23, s. 33.

SCHEDULE " A "

(Section 10.)

ANNUAL RETURN OF PREMIUMS.

Amount of premiums received by (name of Company) during the year  
commencing on the day of , A.D. 18 , and ending on



the            day of            , A.D. 18    , on risks effected in Canada,  
less twenty-five per cent. thereof..... \$

Net amount of losses or claims actually paid ..... \$

*Form of Declaration to accompany the Statement.*

Province of Ontario, } I  
County of            }  
oath and say :        } Chief Agent in Ontario (*name of Company*), make

That the foregoing statement truly shows the amount of premiums received by the said Company, during the year above designated, on risks effected in Ontario, less twenty-five per cent. thereof, and also truly shows the net amount of losses or claims actually paid by the said Company during the said period.

Sworn before me at            }  
in the County of            }  
day of            . A.D. 18    , this }

SCHEDULE "B."

(Section 26.)

DETAILS OF ANNUAL STATEMENTS REQUIRED.

*List of Shareholders.*

A list of the shareholders, with the amount subscribed for, the amount paid thereon, and the residence of each shareholder.

*The property or assets held by the Company, specifying—*

1. The value (as nearly as may be) of the real estate held by such Company ;
2. The amount of cash on hand and deposited in banks to the credit of the Company,—specifying in what banks the same are deposited, with amounts separately ;
3. The amount of cash in the hands of agents ;
4. The amount of loans secured by bonds and mortgages constituting either a first or second lien on real estate in separate schedules ;
5. The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof ;
6. The amounts due the Company for which judgments have been obtained ;
7. The amount of Canadian or other stocks owned by the Company,

specifying in detail the amount, number of shares, and par and market value of each kind of stocks owned by the Company absolutely ;

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value ;

9. The amount of assessments on stock and premium notes paid and unpaid ;

10. The amount of interest actually due and unpaid ; also the amount of interest accrued and unpaid ;

11. The amount of premium notes on hand on which policies are issued, with amount paid thereon ; also bills receivable held by the Company and considered good, the amounts of each class separately, and the amounts on each class overdue ;

12. The amount of all other property belonging to the Company, with a detail thereof.

*The liabilities of the Company, specifying—*

1. The amount of losses due and yet unpaid ;

2. Amount of losses adjusted, but not due ;

3. Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the Company upon which no action has been taken,—the amounts of each class separately, carrying out the totals in one sum ;

4. Amount of claims for losses resisted by the Company, distinguishing those in suit ;

5. Amount of dividends declared and due, and remaining unpaid ;

6. Amount of dividends declared, but not yet due.

7. Amount of money borrowed, and security given for payment thereof, stating each loan separately, and the interest paid therefor.

8. The amount of unearned premiums, stating each description of business separately ;

9. Amount of all other claims against the Company, with a detailed statement thereof ;

10. Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

*Income of the Company, specifying—*

1. Amount of cash premiums received, less re-insurance ;

2. Amount of notes received for premiums, less re-insurance ;

3. Amount of interest money received ;

4. Amount of income received from all other sources.

*Expenditure of the Company, specifying—*

1. Amount paid for losses which occurred prior to the current year or to date of last statement, deducting savings and salvage, which losses were estimated in the last statement at \$ ;

2. Amount paid for losses which occurred during the year, deducting savings and salvage ;
3. Total amount actually paid during the year for losses in each branch, in separate columns ;
4. Amount and rate of dividend paid during the year ;
5. Amount of expenses paid during the year, including commissions and fees to agents and officers of the Company ;
6. Amount of all other payments and expenditures, with details thereof.

*Miscellaneous.*

1. Gross amount of risks taken during the year, original and renewal, in each branch of the Company's business separately,—deducting amount of re-insurance effected thereon in each branch separately ;

2. And amount of risks in force at the end of the year in each branch of the Company's business, deducting re-insurance ; and showing at foot, in separate columns, the net amount of risks then in force.

*Form of Declaration to accompany the Statement.*

Province of Ontario, } We,  
County of                }

President, and

Secretary of

Company, severally make oath and say, and each for himself says, that we are the above described officers of the said Company, and that on the                day of                last, all the above described assets were the absolute property of the said Company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by us subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said Company, on the said                day of                last, and for the year ending on that day, according to the best of our information, knowledge and belief respectively.

*Signatures.*

Sworn before me, at the  
in the County of                , this }  
day of                , A.D. 18   . }

## CHAPTER 161.

## An Act respecting Mutual Fire Insurance Companies.

Formation of Companies, ss. 1-9.  
 General meetings, ss. 10-13.  
 Board of Directors—  
   Qualification, ss. 14-16.  
   Election, ss. 17-21.  
   Quorum, s. 22.  
   Recording dissent, s. 23.  
   Powers, ss. 24-29.  
 Admission and withdrawal of members, ss. 30-31.  
 Policies of Insurance, ss. 32-44.  
 Premium notes and assessments, ss. 45-55.  
 Payment of losses, ss. 56-63.  
 Branches or Departments of Company, ss. 64-67.  
 Miscellaneous—  
   Liability of members, s. 68.  
   Security by officers, s. 69.

Location of head office, s. 70.  
 Suits in Division Court, where to be brought, s. 71.  
 Lands which may be held by Mutual Insurance Companies, s. 72.  
 Premium notes not to create a lien on lands, s. 23.  
 Guarantee capital, how far authorized to be raised, s. 74.  
 Power of Mutual Insurance Cos. to insure on the cash principle, s. 75.  
 Annual statements to be made, ss. 76, 77.  
 Examination into affairs of Mutual Insurance Companies, s. 78.  
 Act to apply to Companies formed under prior Acts, s. 79.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## FORMATION OF COMPANIES.

Meetings to establish Companies, how called.

**1.** Ten freeholders in any Municipality may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a Fire Insurance Company upon the mutual principle. 36 V. c. 44, s. 1.

Advertisement calling such meeting.

**2.** Such meeting shall be called by advertisement, mentioning the time and place within the County in which the Municipality is situate, and the object of the meeting; and the advertisement shall be published for three weeks in one or more of the newspapers published in the County. 36 V. c. 44, s. 2.

Subscription books.

**3.** If thirty freeholders of such Municipality are present at such meeting, and a majority of them determine that it is expedient to establish a Mutual Fire Insurance Company, they may elect three persons from among them to open and keep a subscription book, in which the owners of property, movable or immovable, within the Province of Ontario, may sign their



names, and enter the sums for which they shall respectively bind themselves to effect insurances with the said Company. 36 V. c. 44, s. 3.

4. Wherever fifty or more persons, being owners of movable or immovable property in the Province of Ontario, have signed their names in said subscription book, and bound themselves to effect insurances in said Company, which in the aggregate shall amount to one hundred thousand dollars at least, a meeting shall be called, as hereinafter provided. 36 V. c. 44, s. 4. When meeting may be called.

5. As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of said Company, at such time and place within the Municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to each subscriber at his post office address, at least ten days before the day of such meeting, and by advertisement in one or more papers published in the County in which the Municipality is situated. How meeting to be called.

2. The said notice and advertisement shall contain the object of said meeting, and the time and place at which it is to be held. 36 V. c. 44, s. 5.

6. At such meeting, the name and style of the Company, including the appellations "Fire" and "Mutual," shall be adopted, and a Secretary *ad interim* appointed, and a Board of not more than fifteen nor less than five Directors shall be elected, and the place named in the Municipality at which the head office of the Company shall be located. 36 V. c. 44, s. 6. Election of Directors.

7. Copies of the resolutions adopting such name or style, and the place of the head office of the Company, and of such subscription book and the names of the Directors elected shall thereupon be made; and all such documents being certified as correct under the hands of the Chairman and Secretary, shall be filed in the office of the Registrar of the County or other Registration Division within which the Municipality is situate. 36 V. c. 44, s. 6. Names of Directors to be filed with the Registrar.

8. Upon the filing of said documents, with such certificate, the several subscribers above mentioned, and all other persons thereafter effecting insurances therein, shall become members of the said Company and shall be a body corporate and politic by and under such name so adopted, which shall not thereafter be changed. 36 V. c. 44, s. 6. Thereon the corporation formed.

9. As soon after the aforesaid meeting as convenient, the Secretary *ad interim* shall call a meeting of the Board of Directors, for the election of a President and Vice-President Meeting of directors to elect President and officers.

from amongst themselves, for the appointment of a Secretary, Treasurer, or Manager, and the transaction of such other business as may be brought before them. 36 V. c. 44, s. 6.

#### GENERAL MEETINGS.

Annual meeting for election of Directors.

**10.** A meeting of the members for the election of Directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the Company. 36 V. c. 44, s. 8.

Annual report and statement.

**11.** At annual meetings, in addition to the election of Directors, a report of the transactions of the Company for the year ending on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities. 36 V. c. 44, s. 9.

Notice of annual or special meetings.

**12.** Notice of any annual or special meeting of the members of said Company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting; and the Board of Directors may convene at any time a general meeting of the Company upon any urgent occasion, giving notice thereof as herein provided. 36 V. c. 44, s. 10.

Members to have votes proportionate to the amount of their insurance.

**13.** Each member of the Company shall be entitled, at all meetings of the Company, to the number of votes proportioned to the amount by him insured, according to the following rates that is to say: For any sum under fifteen hundred dollars, one vote; from fifteen hundred to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and one vote for every additional three thousand dollars; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the Company. 36 V. c. 44, s. 11.

#### BOARD OF DIRECTORS.

##### *Qualification, Election, &c.*

Qualification of Directors.

**14.** The Directors shall be members of the Company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least. 36 V. c. 44, s. 15.

Manager may be a Director. His salary.

**15.** The Manager of any Mutual Insurance Company may be a Director of such Company, and may be paid an annual salary, but only under a by-law of the said Company. 36 V. c. 44, s. 16.

Certain persons not eligible to be

**16.** No agent or paid officer, or person in the employment of any such Company, other than the Manager, shall be eligible

to be elected a Director, or shall be allowed to interfere in the election of Directors for such Company. 36 V. c. 44, s. 17. elected Directors.

**17.** The election of Directors shall be held and made by such members of the Company as attend for that purpose in their own proper persons. 36 V. c. 44, s. 12. Election of Directors.

**18.** The election of Directors shall be by ballot. 36 V. c. 44, s. 13. Mode of election.

**19.** If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen Directors by a majority of votes, then the said members of the Company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of Directors to be elected: and the Directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a President and Vice-President, and at such election the Secretary shall preside. 36 V. c. 44, s. 14. Case of a tie at an election.  
Election of a President and Vice-President.

**20.** If any vacancy happens among the Directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under the fourteenth section of this Act, insolvency, or by being absent without previous leave of the Board from the Board for three regular meetings in succession, which shall *ipso facto* create such vacancy, such vacancy shall be filled up for the remainder of the term, by any person duly qualified to be nominated by a majority of the remaining Directors, and as soon as may be after the vacancy occurs. 36 V. c. 44, s. 20. Vacancies in office of Director, how filled up.

**21.** In case an election of Directors is not made on the day on which it ought to have been made, the Company shall not for that cause be dissolved, but the election may be held on any subsequent day, at a meeting to be called by the Directors, or as otherwise provided by the by-laws of the Company, and in such case the Directors shall continue to hold office till their successors are elected. 36 V. c. 44, s. 21. Provision in case of failure of election of Directors on proper day.

**22.** Three Directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the Board the question shall pass in the negative. 36 V. c. 44, s. 18. Quorum of Directors.  
Equality of votes.

**23.** Any Director disagreeing with the majority of the Board at any meeting, may have his dissent recorded, with his reasons therefor. 36 V. c. 44, s. 19. Directors disagreeing may record their dissent.

*Powers.*

Appointment  
of Manager  
and other  
officers.

**24.** The Board may from time to time appoint a Manager, Secretary, Treasurer, and such other officers, agents, or assistants as to them seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the Board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the Company; and they shall keep a record of their proceedings. 36 V. c. 44, s. 22.

Board may  
adopt a tariff  
of rates.

Meetings of  
the board.

The Board  
may pass by-  
laws.

**25.** The Board of Directors may from time to time make and prescribe such by-laws as to them appear needful and proper, respecting the funds and property of the Company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the Company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where such repeal would affect the rights of others than the members of the Company, in any of which cases such by-law shall not be repealed.

When by-laws  
are not repeal-  
able.

When resolu-  
tion of the  
Board to have  
the effect of a  
by-law.

2. Every by-law of the Board shall be duly entered in the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the Company. 36 V. c. 44, s. 23.

The Board to  
manage the  
property, &c.,  
of the Com-  
pany.

**26.** The Board of Directors shall superintend and have the management of the funds and property of the Company, and of all matters relating thereto, and not otherwise provided for. 36 V. c. 44, s. 24.

Reinsurance  
of risks.

**27.** The Board of Directors may make arrangements with any Mutual or other Insurance Company for the re-insurance of risks, on such conditions with respect to the payment of premiums thereon as may be agreed between them. 36 V. c. 44, s. 25.

Investment of  
capital and  
funds of the  
Company.

**28.** The Board of Directors may invest the capital and funds of the Company in shares of any chartered bank having its head office in Ontario, in mortgages on freehold real estate, municipal debentures, and the public securities of the Dominion or of this Province; and may, in the name of the Company, recover from any member of such Company, in any Court of competent jurisdiction, any premium or assessment upon his premium note payable by him. 36 V. c. 44, s. 28.

Recovery of  
assessments.



**29.** The Board of Directors may issue debentures or promissory notes in favour of any person, firm, Building Society, Banking or other Company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the Company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than one hundred dollars.

Directors may issue debentures and promissory notes for loans ;  
assets of the Company to be liable for the same.

**2.** All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes. 36 V. c. 44, s. 29.

Amount of debentures, &c., limited.

#### ADMISSION AND WITHDRAWAL OF MEMBERS.

**30.** The Company may admit, as a member thereof, the owner of any property, movable or immovable, and may insure the same whether the owner thereof be or be not a freeholder ; and every person admitted a member of said Company by such insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of said Company. 36 V. c. 44, s. 7.

Power to admit members and insure.

**31.** Any member of such Company may, with the consent of the Directors, withdraw therefrom upon such terms as the Directors may require. 36 V. c. 44, s. 27.

Members withdrawing.

#### POLICIES OF INSURANCE.

**32.** The Company may issue policies of insurance for any term not exceeding five years. 36 V. c. 44, s. 30.

Term of policies.

**33.** No policy of insurance shall be issued by any such Company until application has been made for insurance, to the extent of one hundred thousand dollars at least, and approved of by the Board. 36 V. c. 44, s. 31.

When policies may issue.

**34.** Any policy that may be issued for one year or any shorter period, may be renewed at the discretion of the Board of Directors by renewal receipts instead of policy, on the insured paying the required premiums, or giving his premium note or undertaking : and any cash payments for renewal must be made at the end of the year, or other period for which the policy was granted, otherwise such policy shall be null and void. 36 V. c. 44, s. 32.

Renewing policies.

**35.** Every condition endorsed upon, or affecting any policy of insurance, which is held by the Court or Judge before whom any question relating thereto is tried, not to be just and reasonable, shall be absolutely null and void. But

Void conditions.

the decision of the Court or Judge shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. 36 V. c. 44, s. 33; 38 V. c. 65, s. 3.

Property which may be insured.

**36.** The Company may insure dwelling houses, stores, shops and other buildings, household furniture, merchandize, machinery, live stock, farm produce, and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. 36 V. c. 44, s. 34.

Minimum rates.

**37.** The minimum rate to be charged or taken by any Company for insuring first-class isolated non-hazardous property shall be not less than thirty-three and one-third cents per one hundred dollars per annum; and the minimum rate of insurance upon other property shall be increased relatively with the increased risk, according to the nature of such property 36 V. c. 44, s. 35.

Policies to be binding on the Company.

**38.** All policies of insurance issued by the Board of Directors, sealed with the seal of the Company, signed by the President or Vice-President, and countersigned by the Secretary or acting Secretary, shall be binding on the Company. 36 V. c. 44, s. 36; 39 V. c. 7, *Schedule A*.

Double insurance.

**39.** If an insurance subsists by the act or with the knowledge of the insured in the Company and in any other office at the same time, the insurance in the Company shall be void, unless the double insurance subsists with the consent of the Directors signified by endorsement on the policy, signed by the Secretary or other officer authorized to do so, or otherwise acknowledged in writing. 36 V. c. 44, s. 37.

Notification of insurance in another Company.

**40.** Whenever notification in writing has been received by a Company from an applicant for insurance, or from a person already insured, of his intention to insure, or of his having insured an additional sum on the same property in some other Company, the said additional insurance shall be deemed to be assented to, unless the Company so notified, within two weeks after the receipt of such notice, signify to the party, in writing, their dissent; and in case of dissent the liability of the insured on the premium note or undertaking shall cease from the date of such dissent, on account of any loss that may occur to such Company thereafter, and the policy of the assured shall be void, at the option of the Directors of the Company. 36 V. c. 44, s. 38.

Dissent of the Company to the additional insurance.

Policy to be void on alienation of property insured

**41.** In case any property, real or personal, is alienated by sale, insolvency or otherwise, the policy shall be void, and shall be surrendered to the Directors of the Company, to be cancelled;

and thereupon the assured shall be entitled to receive his deposit note or notes, upon payment of his proportion of all losses and expenses which had accrued prior to such surrender; but the assignee may have the policy transferred to him, and upon application to the Directors such assignee, on giving proper security to their satisfaction for such portion of the deposit or premium note or undertaking as remains unpaid, and with their consent, within thirty days next after such alienation, may have the policy ratified and confirmed to him, and by such ratification and confirmation said assignee shall be entitled to all the rights and privileges, and be subject to all the liabilities and conditions to which the original party insured was entitled and subject.

Assignee may have the policy assigned.

2. In cases, however, where the assignee is a mortgagee, the Directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note or undertaking from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note or undertaking and liability of the mortgagor in respect thereof shall continue in nowise affected. 36 V. c. 44, s. 39.

Assignment to a mortgagee.

42. If any alteration is made in any house or building insured by the proprietor thereof, or if the risk on any house or building or other property insured is increased by any means whatever after the insurance has been made thereon with the Company, whereby it is exposed to greater risk or hazard from fire than it was when insurance was effected, the insurance thereon shall be void, unless previous notice thereof has been given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the Directors; but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon. 36 V. c. 44, s. 40.

Where the premises are altered, or risk increased.

43. It shall be optional with the Directors to pay or allow claims which are void under sections thirty-nine, forty, forty-one or forty-two of this Act, in case the said Directors think fit to waive the objections mentioned in said sections. 40 V. c. 8, s. 61.

Optional with Directors to pay claims void under ss. 39-42.

44. The Company shall be at liberty to cancel any policy by giving to the insured notice to the effect that they have cancelled or will cancel the same, by registered letter, signed by the Secretary of the Company, addressed and sent by mail, postage paid, to the post-office address of the insured, as given by him or her in the application for insurance or subsequent writing to the Company, or by giving to the insured, personally, notice in writing, signed by the Secretary, or an officer or agent of the Company, to such effect; the party insured shall, nevertheless, be liable to pay his proportion of the losses and expenses of the

Cancellations of policies.

Company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking, and such portion of the premium paid by him as has not been absorbed by the losses and expenses of the Company up to such period; and a condition to this effect shall be endorsed on the policy. 36 V. c. 44, s. 26.

#### PREMIUM NOTES AND ASSESSMENTS.

Company may accept premium notes.

**45.** The Company may accept premium notes, or the undertaking of the insured, for insurances, and may issue policies thereon: said notes or undertakings to be assessed for the losses and expenses of the Company in manner hereinafter provided. 36 V. c. 44, s. 41.

Part payment may be demanded at the time of application for insurance.

**46.** The Directors may demand a part or first payment of the premium note or undertaking at the time that application for insurance is made; and such first payment may be in cash or by promissory note, and may be credited upon said premium note or undertaking or against future assessments. 36 V. c. 44, s. 42.

Assessment of premium notes.

**47.** All premium notes or undertakings belonging to the Company shall be assessed under the direction of the Board of Directors, at such intervals from their respective dates, for such sums as the Directors determine, and for such further sums as they think necessary to meet the losses and other expenditures of the Company during the currency of the policies for which said notes or undertakings were given, and in respect to which they are liable to assessment; and every member of the Company or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the Company during the continuance of his policy, in accordance with such assessment: and any such assessment shall become payable in thirty days after notice of such assessment has been mailed to such member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or in writing to the Secretary of the Company. 36 V. c. 44, s. 43.

Notice to be given of the assessment.

Policy to be void, if any assessment or note is not paid within thirty days,

but shall be revived by subsequent payment.

**48.** If the assessment on the premium note or undertaking upon any policy is not paid within thirty days after the day on which the said assessment has become due, the policy of insurance, for which such assessment has been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: but the said policy shall be revived when such assessment has been paid, unless the Secretary gives notice to the contrary to the assessed party in the manner in this Act provided: but nothing shall relieve the assured party from his liability to pay such assessment or any



subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which happens to property insured under such policy while such assessment remains due and unpaid, unless the Board of Directors in their discretion decide otherwise. 36 V. c. 44, s. 44.

**49.** A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embodies the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. 36 V. c. 44, s. 45.

Requisites of notice of assessment.

**50.** The assessment upon premium notes or undertakings shall always be in proportion to the amount of said notes or undertakings, having regard to the branch or department to which their policies respectively appertain. 36 V. c. 44, s. 46.

Assessment, how proportioned.

**51.** If any member or other person, who has given a premium note or undertaking, for thirty days after notice of assessment has been mailed to him in manner aforesaid, neglects or refuses to pay said assessment, the Company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. 36 V. c. 44, s. 47.

Company may sue for assessments on premium notes.

**52.** Whenever any assessment is made on any premium note or undertaking given to the Company for any risk taken by the Company, or as a consideration for any policy of insurance issued, or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company, specifying such assessment, and the amount due to the Company on such note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any Court in this Province. 36 V. c. 44, s. 48.

Certificate of the Secretary to be *prima facie* evidence of amount due to the Company.

**53.** The Company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said Company; and for that purpose the Board of Directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by said Company; and such reserve fund may from time to time be applied by the Directors to pay off such liabilities of the Company as may not be provided for out of the ordinary receipts for the same or any succeeding year.

Reserve fund.

Annual assessment, how applied,

**2.** Such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or of this Province or in municipal debentures, or may remain in a chartered bank in Ontario on deposit at interest. 36 V. c. 44, s. 49.

how invested.

When premium note is to be returned.

**54.** Forty days after the expiration of the term of insurance, the premium note or undertaking given for such insurance, shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which said note or undertaking is chargeable have been paid. 36 V. c. 44, s. 50.

Policies to be only on mutual principle.  
36 V. c. 44 (O).

**55.** No Mutual Fire Insurance Company incorporated under the Act passed in the thirty-sixth year of Her Majesty's reign and chaptered forty-four or under this Act shall issue policies otherwise than upon the mutual principle. 36 V. c. 44, s. 51.

#### PAYMENT OF LOSSES.

Notice of loss.

**56.** In case of any loss or damage by fire happening to any member upon property insured with the Company, such member shall give notice thereof to the Secretary of the Company forthwith, and the proofs, declarations, evidences, and examinations, called for by or under the policy, must be furnished to the Company within thirty days after said loss, and upon receipt of notice and proofs of claim as aforesaid, the Board of Directors shall ascertain and determine the amount of such loss or damage, and such amount shall be payable in three months after the receipt by the Company of such proofs. 36 V. c. 44, s. 52.

In cases of dispute, the value to be determined by arbitration.

**57.** If the party is not satisfied with the determination or the Board of Directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the Board and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the County Judge of the County in which the loss has taken place, and the decision or award of a majority of them shall be binding. 36 V. c. 44, s. 53.

Limitation of suits against Company.

**58.** No action or suit either at Law or in Equity shall be brought against such Company upon any policy or contract of insurance granted or entered into by such Company after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; and all policies to be issued by such Company shall have a condition to this effect endorsed thereon. 36 V. c. 44, s. 54.

This condition endorsed upon policies.

Interest and costs where more is recovered than the Directors determine.

**59.** If upon the trial of such action a greater sum be recovered than the amount determined upon by the Directors, or if the Company refused or neglected to pay that amount, or any amount awarded, the party suffering shall have judgment therefor against the Company, with interest thereon from the time such loss or damage would become payable under section fifty-six of this Act, with costs of suit. 36 V. c. 44, s. 55; 40 V. c. 7, *Sched. A* (145).

**60.** If no more is recovered than the amount so previously determined upon by the Directors, the plaintiff in the suit shall have judgment for such amount only, and if before action such amount was tendered, he shall not be entitled to costs against the defendants, and the defendants shall be entitled to costs against the plaintiff, as in the case of a verdict for the defendant. 36 V. c. 44, s. 56; 40 V. c. 7, *Sched. A* (146).

Costs where no more is recovered than the amount so determined by Directors.

**61.** No execution shall issue against the Company upon any judgment until after the expiration of three months from the recovery thereof. 36 V. c. 44, s. 57.

Issue of execution against Company.

**62.** Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Mutual Insurance Company is interested, and may administer any oath or affirmation required under this Act. 36 V. c. 44, s. 58.

Justices of the Peace, &c., may swear and examine witnesses regarding loss.

**63.** If there is any loss on property insured by the Company, the Board of Directors may retain the amount of the premium note or undertaking given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for. 36 V. c. 44, s. 59.

Directors may retain amount of premium notes.

#### BRANCHES OR DEPARTMENTS.

**64.** Any Mutual Company may separate its business into branches or departments, with reference to the nature or classification of the risks, or of the localities in which insurances may be effected. 36 V. c. 44, s. 60.

Establishment of branches.

**65.** The Directors of every such Company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. 36 V. c. 44, s. 61.

Scale of risks to be made for each branch.

**66.** Members of any such Company insuring in one branch shall not be liable for claims on any other branch. 36 V. c. 44, s. 62.

Members to be liable to one branch only.

**67.** All necessary expenses incurred in the conducting and management of such Companies shall be assessed upon and divided between the several branches in such proportion as the Directors determine. 36 V. c. 44, s. 63.

Expenses to be divided between branches proportionately.

#### MISCELLANEOUS PROVISIONS.

**68.** No member of any Mutual Insurance Company to

Liability of members.

which this Act may apply shall be liable in respect of any loss or other claim or demand against the Company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking 36 V. c. 44, s. 64.

Treasurer to give security.

**69.** The Treasurer or other officer having charge of the money of the Company shall give security to the satisfaction of the Board of Directors in a sum of not less than two thousand dollars for the faithful discharge of his duties. 36 V. c. 44, s. 65.

Head office can be changed only by a two-thirds vote.

**70.** The present location of head offices of Companies in existence, and the original location of head offices of Companies hereafter to be formed, shall only be changed by a two-third vote of the members of the Company at a special meeting called for that purpose. 36 V. c. 44, s. 66.

Suits in Division Courts where brought.

**71.** Any suit cognizable in a Division Court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the Court for the division wherein the head office or any agency of such Company is situate. 36 V. c. 44, s. 67.

Lands that may be held by the Company.

**72.** Every Mutual Insurance Company may hold lands, but such lands only as are requisite for the accommodation of the Company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands. 36 V. c. 44, s. 68.

Liens on lands for premium notes abolished.

**73.** No premium note or undertaking shall create any lien upon lands on which the insured property is situate. 36 V. c. 44, s. 69.

No guarantee capital.

**74.** No guarantee capital or fund shall hereafter be raised by any Company to which this Act is applicable, except as hereinafter mentioned; nor shall any such Company contract with any Director or officer thereof for any loan or borrowing of money or credit, and every such attempted loan or borrowing is hereby prohibited and declared void. 36 V. c. 44, s. 70.

Loans to or from Directors, &c., forbidden.

Powers of incorporated Companies to insure on the cash premium principle.

**75.** Any Mutual Fire Insurance Company incorporated before the twenty-ninth day of March, 1873, and now doing business in Ontario, and to which this Act applies, may effect any insurance upon the cash premium principle, for a period not exceeding three years on farm and other non-hazardous property, and for one year or less on any other class of property; but the amount of cash insurances in any one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of



premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under the next following section; and all the property and assets of the Company, including premium notes or undertakings, shall be liable for all losses which may arise under insurances for cash premiums; and any such Company may also create or possess a guarantee capital or fund for such Company, according to the provisions of this Act. 36 V. c. 44, s. 71. Guarantee fund.

**76.** It shall be the duty of the President or Manager and Secretary of each Mutual Fire Insurance Company incorporated under this or any former General Act respecting Mutual Insurance Companies, or any Special Act, and transacting the business of Fire Insurance in this Province, annually on the first day of January, or within one month thereafter, to prepare, and deposit in the office of the Treasurer of this Province, a statement verified by their own oath of the condition of such Company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely:— Annual statements.

*First*—The assets of the Company, specifying—

- (a) The value of real estate;
- (b) The amount of cash on hand and deposited in banks to the credit of the Company, naming the banks and amount in each;
- (c) The amount of cash in Company's office and in agents' hands respectively;
- (d) The amount of any loans or investments, and the nature of the security held therefor, in detail, and what, if any, payments are in arrear thereon;
- (e) The amount of assessments on premium notes or undertakings unpaid, and what portion of the said amount the deponents consider good;
- (f) The amount still payable upon premium notes or undertakings on hand, on the 31st day of December preceding, and not then assessed for;
- (g) Other amounts due the Company;

*Secondly*—The liabilities of the Company, specifying—

- (a) The amount of losses due and yet unpaid;
- (b) The amount of claims for losses resisted;
- (c) The amount of losses incurred during the year, including those claimed but not adjusted;
- (d) The amount payable for money borrowed, and security given, and interest payable;
- (e) The amount of all other existing claims against the Company;
- (f) The amount covered by policies in force in respect of each class of risk;

*Thirdly*—The income of the Company for the preceding year, specifying—

- (a) The amount of cash received on premium notes, in respect (1) of assessments payable in that year, and (2) assessments payable in previous years;
- (b) The amount of premium notes or undertakings;
- (c) The amount of interest received;
- (d) The amount of income from all other sources, and also the amount of cash premiums received for insurances effected in that year;

*Fourthly*—The expenditure during the preceding year, specifying—

(a) The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which such prior accrued losses were estimated in such preceding statement ;

(b) The amount of expenses paid during the year ;

(c) The amount of taxes ;

(d) The amount paid for re-insurance ;

(e) The commission paid to agents or others on premium notes or undertakings received during the year by the Company ;

(f) The amount of all other payments and expenditures under their appropriate heads.

36 V. c. 44, s. 72 ; 38 V. c. 65, s. 4 ; 39 V. c. 23, s. 27.

Companies to  
reply to in-  
quiries of  
Lt.-Gov. in  
Council.

2. Any Company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions, which may be required by the Lieutenant-Governor in Council.

Penalty for  
not replying.

3. If any such Mutual Fire Company fails to make and deposit such statement so verified, or to reply to such inquiry, its Manager and Secretary shall be subject, respectively, for each offence, to a fine or penalty of fifty dollars, to be recovered on behalf of Her Majesty, for the use of this Province ; and it shall be the duty of the Provincial Treasurer to publish a synopsis of such returns, as well as the names of such Companies as have not made returns, in the *Ontario Gazette*, on or before the first day of March in each year. 36 V. c. 44, s. 72 ; 39 V. c. 23, s. 27.

Previous sec-  
tion to apply  
to certain Fire  
Ins Cos.

77. The foregoing section and all the provisions thereof shall also apply to every Fire Insurance Company, by whatever authority incorporated, and now or any time hereafter transacting the business of Fire Insurance in this Province, and to which the provisions of *The Act respecting Insurance Companies* do not apply. 36 V. c. 44, s. 73.

Rev. Stat. c.  
160.

Lt.-Governor  
in Council  
may appoint  
persons to ex-  
amine into the  
affairs of  
Insurance  
Companies.

78. The Lieutenant-Governor in Council, whenever he deems it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of any Mutual Fire Insurance Company, incorporated under this Act, or to which the provisions of this Act apply, and also into the affairs of any Fire Insurance Company doing business in this Province ; and it shall be the duty of the officers or agent of any such Company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations ; and for that purpose such person or persons shall have power to examine, under oath, such officers and agents, and such other person or persons as they may think fit ; and whenever it appears from such examination that the assets and financial position of such Company are such as not to justify

the continuance in business of any such Company, the Attorney-General of Ontario may apply, in a summary manner, on motion to one of the Superior Courts of Law or Equity, for an order requiring such Company to show cause why the business of the Company should not be closed; and the Court shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it appears to the satisfaction of the Court that the assets and funds of the Company are not sufficient as aforesaid, or that the interests of the public so require, the said Court shall decree that the business of the said Company as an Insurance Company ought to be discontinued; and it is hereby declared that thenceforward the business of the said Company as an Insurance Company shall be discontinued accordingly, and all the powers of the said Company as an Insurance Company shall cease, and all other powers granted to the said Company shall likewise cease, except so far as may be necessary for holding and disposing of the property and winding up the affairs of the Company. 36 V. c. 44, s. 74; 40 V. c. 7, *Sched. A* (147).

Proceedings to close Companies whose affairs are in an unsatisfactory condition.

**79.** The provisions of this Act shall apply to every Mutual Fire Insurance Company doing business in this Province and incorporated under chapter fifty-two of the Consolidated Statutes for Upper Canada, or chapter forty-four of the Acts passed in the thirty-sixth year of Her Majesty's reign, or any special Act of the former Province of Canada, or of Ontario. 36 V. c. 44, s. 77.

This Act to apply to Companies formed under previous Acts.

C. S. U. C. c. 52; 36 V. c. 44 (O).

## CHAPTER 162.

### An Act to secure Uniform Conditions in Policies of Fire Insurance.

Short title, s. 1.

When imperfect compliance with conditions not to avoid policy, s. 2.

Statutory conditions to be incorporated in all policies, s. 3.

Variations from statutory conditions to be printed in conspicuous type, s. 4.

Variations not binding unless distinctly indicated, s. 5.

Conditions other than statutory may be declared void, if not just and and reasonable, s. 6.

Decisions of Court or Judge as to such conditions to be appealable, s. 7.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as "*The Fire Insurance Policy Act.*"

If due proof of loss not given through accident, &c., or objection not made thereto, or made on other grounds than non-compliance with conditions,

2. Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in this Province as to the proof to be given to the Insurance Company after the occurrence of a fire have not been strictly complied with: or where, after a statement or proof of loss has been given in good faith by or on behalf of the insured, in pursuance of any proviso or condition of such contract, the Company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time: or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases, be allowed as a discharge of the liability of the Company on such contract of insurance wherever entered into; but this section shall not apply where the fire has taken place before the twenty-first day of December, 1874. 38 V. c. 65. s. 1.

or, if full compliance adjudged inequitable,

in above cases, liability and policy not vacated.

Statutory conditions to be part of every policy unless varied.

3. The conditions set forth in the Schedule to this Act shall, as against the insurers be deemed to be part of every policy of fire insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein, and shall be printed on every such policy with the heading "*Statutory Conditions.*" 39 V. c. 24, s. 1, *part.*

Variations, how indicated.

4. If a Company (or other insurer) desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added in conspicuous type, and in ink of different colour, words to the following effect:—

#### VARIATIONS IN CONDITIONS.

"This policy is issued on the above statutory conditions, with the following variations and additions:

"These variations (or as the case may be) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the Company."

39 V. c. 24, s. 1.

Variations not binding unless clearly indicated.

5. No such variation, addition or omission shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the insured; and



no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but, on the contrary, the policy shall, as against the insurers, be subject to the statutory conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid. 39 V. c. 24, s. 2.

6. In case any policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in the Schedule to this Act, if the said condition so contained or included is held, by the Court or Judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void. 38 V. c. 65, s. 2; 39 V. c. 7, s. 2, *Sched. B.*; 39 V. c. 24, s. 1, *part*; 40 V. c. 7, *Sched. A.* (148).

7. A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. 38 V. c. 65, s. 3; 39 V. c. 24, s. 3.

## SCHEDULE.

(Sections 3 and 6.)

### STATUTORY CONDITIONS.

1. If any person or persons insures his or their buildings or goods, and causes the same to be described otherwise than as they really are, to the prejudice of the Company, or misrepresents or omits to communicate any circumstance which is material to be made known to the Company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made. Misrepresentation or omission.

2. After application for insurance, it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the Company points out, in writing, the particulars wherein the policy differs from the application. Policy sent to be deemed as applied for unless variance pointed out.

3. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the Company or its local agent; and the Company when so notified may return the premium for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the insured shall, if he desires the continuance of the policy, forthwith pay to the Company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force. When a change as to risk shall avoid a policy. Notice of change, &c.

4. If the property insured is assigned without a written permission endorsed hereon by an agent of the Company duly authorized for such purpose, the policy shall thereby become void; but this condition does Change of property.

not apply to change of title by succession, or by the operation of the law, or by reason of death.

Partial damage—salvage. 5. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the Company or its agent; and in case of the removal of property to escape conflagration, the Company will rateably contribute to the loss and expenses attending such act of salvage.

Money securities, &c. 6. Money, books of account, securities for money, and evidences of debt or title are not insured.

Plate, paintings, clocks, &c. 7. Plate, plated ware, jewellery, medals, paintings, sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of vertu, frescoes, clocks, watches, trinkets, plate glass, and mirrors, are not insured unless mentioned in the policy.

Prior or subsequent insurance. 8. The Company is not liable for loss if there is any prior insurance in any other Company, unless the Company's assent thereto appears herein or is endorsed hereon, nor if any subsequent insurance is effected in any other Company, unless and until the Company assents thereto by writing signed by a duly authorized agent.

Case of assent to other insurance. 9. In the event of any other insurance on the property herein described having been assented to as aforesaid, then this Company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable for the payment of a rateable proportion of such loss or damage without reference to the dates of the different policies.

Liability in cases of non-ownership. 10. The Company is not liable for the losses following, that is to say:—

(a.) For loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy;

Riot, invasion, &c. (b.) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

Chimneys, ashes, stoves. (c.) Where the insurance is upon buildings—for loss caused by the want of good and substantial brick or stone chimneys; or by ashes or embers being deposited, with the knowledge and consent of the insured, in wooden vessels; or by stoves or stove-pipes being, to the knowledge of the assured, in an unsafe condition or improperly secured;

Goods to which fire heat is being applied. (d.) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;

Repairs by carpenters, &c. (e.) For loss or damage occurring to buildings or their contents while the buildings are being repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless permission to execute such repairs had been previously granted in writing, signed by a duly authorized agent of the Company. But in dwelling-houses, fifteen days are allowed in each year in incidental repairs, without such permission;

Gunpowder, coal oil, &c. (f.) For loss or damage occurring while petroleum, rock, earth or coal oil, camphine, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five-gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder are stored or kept in the building insured or containing the property insured, unless permission is given in writing by the Company.

Explosion. 11. The Company will make good loss caused by the explosion of coal gas in a building not forming part of gas works, and loss by fire caused by lightning.

12. Proof of loss must be made by the assured, although the loss be payable to a third party.

Proof of loss when payable to other than assured. Directions to be observed on making claim.

13. Any person entitled to make a claim under this policy is to observe the following directions:

(a) He is forthwith after loss to give notice in writing to the Company;

(b) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits;

(c) He is also to furnish therewith a statutory declaration declaring,

- (1) That the said account is just and true;
- (2) When and how the fire originated, so far as the declarant knows or believes;
- (3) That the fire was not caused through his wilful act or neglect, procurement, means or contrivance; and
- (4) The amount of other insurances;

(d) He is in support of his claim, if required and if practicable, to produce books of account, and furnish invoices and other vouchers; to furnish copies of the written portion of all policies; and to exhibit for examination all that remains of the property which was covered by the policy.

(e) He is to produce, if required, a certificate under the hand of a magistrate, notary public, or clergyman residing in the vicinity in which the fire happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the insured has by misfortune and without fraud or evil practice sustained loss and damage on the subject assured, to the amount certified.

14. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

Proof of loss may be made by agent.

15. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim.

False statement or fraud vitiates claim.

16. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount, and the proportion thereof (if any) to be paid by the Company, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party insured and the other by the Company, and a third to be appointed by the persons so chosen; and such reference shall be subject to the provisions of "*The Common Law Procedure Act*;" and the award shall, if the Company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the Company.

Arbitration in case of differences.

17. The loss shall not be payable until thirty days after completion of the proofs of loss, unless otherwise provided by statute or the agreement of the parties.

Loss due thirty days after proof.

18. The Company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required.

Company may reinstate, instead of paying.

19. The insurance may be terminated by the Company at any time, by giving ten days' notice to that effect, and by repaying a rateable proportion of the premium for the unexpired term; and the policy shall cease after the expiration of ten days from the receipt of such notice and repayment.

Termination of policy on notice and repayment of proportions of premiums.

Waiver of condition.

20. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the Company, unless the waiver is clearly expressed in writing, signed by an agent of the Company.

Officers assuming to agree in writing to be deemed agents

21. Any officer or agent of the Company, who assumes on behalf of the Company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the Company for the purpose.

Suits to be brought within one year.

22. Every suit, action or proceeding against the Company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs. 39 V. c. 24, *Sched.* ; 40 V. c. 7, *Sched.* A (148.)

### 3. *Building and Loan Societies.*

CHAP. 163.—Loan Companies out of Ontario, p. 1468.

“ 164.—Building Societies, p. 1470.

## CHAPTER 163.

An Act to authorize Corporations and Institutions incorporated out of Ontario to lend and invest moneys therein.

License to do business in Ontario to be obtained, s. 1.

Disposal of real property within five years from acquisition, s. 2.

Evidence whereon license to issue, s. 3.

Fee on license, s. 4.

Notice of license to be published, s. 5.

Charter and power of attorney to chief Agent in Ontario to be filed in Provincial Secretary's office, s. 6.

Service of process on the Company, s. 7.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain Institutions incorporated by the Parliament of Great Britain or Canada may receive a license to carry on business in Ontario.

1. Where any institution or corporation duly incorporated under the laws of the Parliament of Great Britain and Ireland, or of the Dominion of Canada, for the purpose of lending or investing moneys, is authorized by its statute, charter or instrument of incorporation to lend money in this Province, such institution or corporation may apply for and receive a license from the Provincial Secretary authorizing it to carry on business within Ontario, to transact any loaning business of any description whatever (except the business of Banking) within Ontario in its corporate name



and to take and hold any mortgages of real estate, and any railway, municipal or other bonds of any kind whatsoever, and on the security of which it may lend its money, and whether the said bonds form a charge on real estate within the said Province or not, and also to hold such mortgages in its corporate name, and to sell and transfer the same at its pleasure, and in all respects to have and enjoy the same powers and privileges with regard to lending its moneys and transacting its business within the said Province as a private individual might have and enjoy, so far as is within the legislative authority of this Province. 39 V. c. 27, s. 1.

2. Such corporation shall sell or dispose of any real estate to which it may acquire a title in fee simple by foreclosure or by the release of the equity of redemption therein, within five years from the date of such foreclosure, and any real estate which is not within the said period disposed of as hereinbefore required shall be forfeited to and become vested in the Crown. 39 V. c. 27, s. 1.

Property acquired to be resold within five years from acquisition.

3. The Provincial Secretary may, if he sees fit, issue such license as aforesaid on being furnished with evidence of the due incorporation of the Company applying for such license under the laws of the Imperial Parliament of Great Britain and Ireland, or of the Dominion of Canada, which evidence shall be a certified copy of the charter, Act of incorporation, or articles of association of such Company, and on being furnished with a power of attorney from such Company to the person appointed to be the principal Manager or Agent of such Company within this Province, under the seal of such Company, and signed by the President or Managing Director and Secretary thereof, and verified by the oath of an attesting witness expressly authorizing such Manager or Agent to apply for such license. 39 V. c. 27, s. 5.

Evidence whereon license may issue.

4. The fee to be paid by such Company on the issuing of such license shall be such sum as may be fixed by the Lieutenant-Governor in Council. 39 V. c. 27, s. 5.

Fee for license.

5. Every Company obtaining such license as aforesaid shall forthwith give due notice thereof in the *Ontario Gazette* and in at least one newspaper in the County, City or place where the principal Manager or Agent of such Company in the Province transacts the business thereof, for the space of one calendar month, and the like notice shall be given when such Company ceases or notifies that it ceases to carry on business within the Province. 39 V. c. 27, s. 4.

Notice of Company being licensed.

6. Every Company obtaining such license as aforesaid shall, before the commencement of such business, file in the office of the Provincial Secretary a certified copy of the charter, Act of incorporation, or articles of association of such Com-

Charter of Company and power of attorney to Agent in Ontario to

be filed with  
Provincial  
Secretary.

pany, and also a power of attorney to the principal Manager or Agent of such Company in the Province of Ontario, signed by the President or Managing Director and Secretary thereof, and verified as to its authenticity by the statutory declaration of the principal Manager or Agent of such Company, or of any person cognizant of the facts necessary for its verification, which power of attorney shall expressly authorize such Manager or Agent, as far as respects business done by such Manager or Agent within the said Province, to accept process in all suits and proceedings against such Company in the Province for any liabilities incurred by such Company therein, and shall declare that service of process on such Manager or Agent for such liabilities shall be legal and binding on such Company to all intents and purposes whatever, and waiving all claims of error by reason of such service. 39 V. c. 27, s. 2.

Service of process on the Company.

7. After such certified copy of the charter and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such Company for any liability incurred in the Province may be served upon such Manager or Agent in the same manner as process may be served upon the proper officer of any Company incorporated in the Province, and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil suit in the Province. 39 V. c. 27, s. 3.

## CHAPTER 164.

### An Act respecting Building Societies.

#### GENERAL PROVISIONS.

- Interpretation, s. 1.
- Incorporation of Societies, s. 2.
- Rules, ss. 3-11.
- Directors, ss. 12-17.
- Officers, ss. 18, 19.
- Powers, &c., of Society and members, ss. 20-37.

#### PERMANENT BUILDING SOCIETIES.

- Within the Act, s. 38.
- Alteration of Rules, ss. 39, 40
- Amount which Societies may borrow limited, s. 41.
- Shares and shareholders, ss. 42-47.
- Power to hold real estate, s. 48.
- Society not bound to see to execution of trusts, s. 49.
- Power to lend money to persons not members, ss. 50, 51.

- Power to borrow money on debentures, ss. 52-55.
- Powers of Directors, ss. 56-58.
- By-laws to be sealed, evidence of, &c., s. 59.
- Amalgamation of societies, ss. 60-65.
- Auditors of societies, s. 66.
- Annual statement of affairs to Provincial Treasurer, ss. 67-69.
- Discontinuance of societies found unsatisfactory, ss. 70, 71.
- Changing name of societies, ss. 72-74.
- Confirmation of proceedings under 37 V. c. 50 (D.), s. 75.
- Application of Act, s. 76.

[See also 37 V. c. 50, and 40 V. c. 48 (D).]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. In the construction of this Act,—

Interpretation  
clause.

(1.) "Society" shall include and mean Building Society and Institution established under the provisions and authority of this Act, or any former Act respecting Building Societies, "Society."

(2.) "Rules" shall include rules, orders, by-laws, and regulations; "Rules."

(3.) "Real Estate" shall extend and apply to immovable estate and property generally; and "Real Estate."

(4.) "Securities" shall extend and apply to privileges, mortgages (equitable as well as legal), and incumbrances upon real and immovable estate, as well as to other rights and privileges upon personal estate and property. C S. U. C. c. 53, s. 35. "Securities."

2. In case any twenty or more persons agree to constitute themselves a Building Society, and execute, under their respective hands and seals, a declaration to that effect, and deposit the same with the Clerk of the Peace in the County in which they reside (who for receiving such deposit shall be entitled to a fee of fifty cents), such persons, and such other persons as afterwards become members of the Society, and their several and respective executors, administrators and assigns, shall be a corporation, body corporate and politic, as a Building Society, by the name and style mentioned in such declaration, for raising by monthly or other periodical subscriptions of the several members of the Society, in shares not exceeding the value of four hundred dollars for each share (and in subscriptions not exceeding four dollars per month for each share), a stock or fund to enable each member to receive out of the funds of the Society the amount or value of his shares therein, for the purpose of erecting or purchasing one or more dwelling house or houses, or other freehold or leasehold estate, or for any other purpose whatsoever, and the amount or value of such shares shall be secured to the Society by mortgage or otherwise on any real estate belonging to the member at the time of his borrowing money from the Society, or on any other real estate acquired by such member, until the amount or value of his shares, with the interest thereon, have been fully paid, together with all fines or liabilities incurred in respect thereof. C. S. U. C. c. 53, s. 1. Societies how incorporated. Powers of Society.

2. In constituting a Building Society under this Act it shall not be necessary that the declaration of agreement to that effect shall refer to, or use the word "Building" or the word "Society," In forming a Society under this Act, the words "Build-

ing" or "Society" may be omitted. or that the body incorporated under such Act be designated by use of either of such words. 39 V. c. 32, s. 28.

Members of Society may make rules, etc., impose fines, etc.

3. The several members of the Society may from time to time assemble together, and make such proper rules for the government of the same as the majority of members so assembled deem meet, so as such rules are not repugnant to the provisions of this Act, or any other law in force in Ontario; and they may impose and inflict such reasonable fines, penalties and forfeitures upon the several members of the Society infringing such rules as the majority of the members think fit, and to be respectively paid to such uses, for the benefit of the Society, as the Society by such rules direct; and they may also from time to time amend or rescind such rules, and make new rules in lieu thereof, under such restrictions as are in this Act contained. C. S. U. C. c. 53, s. 2.

Society by rule to declare objects of Society and declare how moneys to be applied.

4. Every such Society shall, in or by one or more of their rules, declare the objects for which the Society is intended to be established, and thereby direct the purposes to which the money from time to time subscribed to, received by and belonging to the Society, shall be appropriated, and in what shares or proportions and under what circumstances any member of the Society, or other person, may become entitled to the same or any part thereof. C. S. U. C. c. 53, s. 11.

Moneys not to be misapplied under penalties.

5. All such rules shall be complied with and enforced; and the moneys so subscribed to, received by or belonging to the Society, shall not be diverted or misapplied either by the Treasurer or Directors, or any other officer or member of the Society entrusted therewith, under such penalty or forfeiture as the Society by any rule inflicts for the offence. C. S. U. C. c. 53, s. 12.

Rules to be recorded in a book.

6. The rules for the management of every such Society shall be recorded in a book to be kept for that purpose, and such book shall be open at all seasonable times for the inspection of the members. C. S. U. C. c. 53, s. 13.

Entry of rules in book, notice to members.

7. The rules so recorded shall be binding on the several members and officers of the Society, and the several contributors thereto, and their representatives, and they shall be deemed to have full notice thereof by such record. C. S. U. C. c. 53, s. 14.

Examined copy of rules entered in book to be evidence.

8. The entry of the rules in the books of the Society, or a true copy of the same, examined with the original and proved to be a true copy, shall be received as evidence thereof. C. S. U. C. c. 53, s. 15.

Rules not to be removed by certiorari.

9. Such rules shall not, by *certiorari* or other legal process, be removed into any of Her Majesty's Courts of Record. C. S. U. C. c. 53, s. 16.



**10.** No rule so recorded as aforesaid shall be altered or rescinded, unless at a general meeting of the members, convened by public notice written or printed, signed by the Secretary or President of the Society in pursuance of a requisition for that purpose made by not less than fifteen of the members, stating the objects for which the meeting is called, and addressed to the President and Directors; and each member of the Society shall, within fifteen days after such requisition, be notified through the Post Office of the proposed alterations.

Rules entered in book not to be altered except at a general meeting.

**2.** It shall be lawful at any general meeting convened under this section for two-thirds of the shareholders there present in person, or by proxy, representing not less than one-half the amount paid up on investing shares, to alter, repeal or amend any of the rules or by-laws of such Society. C. S. U. C. c. 53 s. 17; 29 V. c. 38, s. 5.

Quorum of members for altering by laws.

**11.** The rules of the Society shall specify the place or places at which it is intended that the Society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the members at large, and of the officers appointed for the management of its affairs. C. S. U. C. c. 53, s. 18.

Rules to specify time and place for holding meeting.

**12.** Every such Society shall, from time to time, elect and appoint any number of the members of the Society to be a Board of Directors, the number and qualification thereof to be declared in the rules of the Society, and may delegate to such Directors all or any of the powers given by this Act to be executed. C. S. U. C. c. 53, s. 5.

Society from time to time to elect Directors.

**13.** The powers of the Directors shall be declared by the rules of the Society, and they shall continue to act during the time appointed by such rules. C. S. U. C. c. 53, s. 6.

Powers of Directors to be declared by rules.

**14.** In case Directors are appointed for any particular purpose, the powers delegated to them shall be reduced to writing and entered in a book by the Secretary or Clerk of the Society. C. S. U. C. c. 53, s. 7.

Powers of Directors in certain cases to be recorded in books of Society.

**15.** The Directors shall choose a President and Vice-President, and they shall in all things delegated to them act for and in the name of such Society, and the concurrence of a majority of the Directors present at any meeting shall at all times be necessary in any act of the Board. C. S. U. C. c. 53, s. 8.

Concurrence of majority of Directors necessary.

**16.** All acts and orders of such Directors, under the powers delegated to them, shall have the like force and effect as the acts and orders of the Society at a general meeting. C. S. U. C. c. 53, s. 9.

Acts of Directors to be binding.

**17.** The transactions of the Directors shall be entered in a book belonging to the Society, and shall at all times be subject

Proceedings of Directors to be entered in

books of  
Society.

to the review, allowance and disallowance of the Society, in such manner and form as the Society by their general rules direct and appoint. C. S. U. C. c. 53, s. 10.

Directors to  
appoint offi-  
cers.

**18.** The Directors shall from time to time, at any of their usual meetings, appoint such persons as they think proper to be officers of the Society, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the Society; and shall from time to time when necessary elect such persons as may be necessary for the purposes of the Society, for the time and for the purpose expressed in the rules of the Society, and may from time to time discharge such persons, and appoint others in the room of those who vacate, die or are discharged. C. S. U. C. c. 53, s. 19.

Persons in  
service of So-  
ciety to fur-  
nish security

**19.** Every officer or other person appointed to any office in anywise concerning the receipt of money shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the Rules of the Society, and any person entrusted with the performance of any other service may be required by the Directors to furnish similar security. 39 V. c. 32, s. 11.

Society may  
take and hold  
real estate  
mortgaged  
by Society for  
certain pur-  
poses.

**20.** Every such Society may take and hold any real estate, or securities thereon, *bona fide* mortgaged or assigned to it, either to secure the payment of the shares subscribed for by its members, or to secure the payment of any loans or advances made by, or debts due to the Society, and may proceed on such mortgages, assignments or other securities, for the recovery of the moneys thereby secured, either at Law or in Equity or otherwise, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand due to the Society, as any person or body corporate may by law take or use for a like purpose. C. S. U. C. c. 53, s. 21.

Society may  
purchase and  
sell and lend  
on certain se-  
curities.

**21.** Any such Society may purchase mortgages upon real estate, debentures of Municipal Corporations, or of Public School Corporations, or Dominion or Provincial stock or securities; and may re-sell any such securities as to it seems advisable, and for that purpose may execute such assignments or other instruments as may be necessary for carrying the same into effect; and any such Society may also, in conformity with the laws of Canada, make advances to any person or persons or body corporate upon any of the above mentioned securities at such lawful rates of discount or interest as may be agreed upon. 39 V. c. 32, s. 4. [See also 37 V. c. 50, s. 4 (D).]

May forfeit  
shares.

**22.** Every such Society may declare forfeited to the Society the shares of any member who is in default, or who neglects to pay the number of instalments or monthly subscriptions fixed

by any stipulation or by-law, and may expel such member from the Society, and the Secretary shall make a minute of such forfeiture and expulsion in the books of the Society; or instead of such forfeiture and expulsion, the Society may recover the arrears by an action of debt. C. S. U. C. c. 53, s. 23.

May expel member.

May sue for amount of shares.

**23.** If the amount in arrear does not exceed forty dollars, the action may be brought in the Division Court of the Division wherein the office of the Society is kept. C. S. U. C. c. 53, s. 24.

May sue in Division Court.

**24.** Except in the case of the withdrawal of a member, according to the rules of the Society then in force, no member shall receive, or be entitled to receive, from the funds of the Society any interest or dividend by way of annual or other periodical profit upon any share in the Society until the amount or value of his share has been realized. C. S. U. C. c. 53, s. 3.

Except in cases of withdrawal, members not to receive profits on share till value of same realized.

**25.** Every such Society may, besides interest, receive from any member a bonus on any share for the privilege of receiving the same in advance prior to the same being realized. C. S. U. C. c. 53, s. 4.

Society may receive bonus in addition to interest.

**26.** Wherever any such Society has received from a shareholder an assignment, mortgage or transfer of any real estate to secure the payment of any advances, and containing an authority to such Society to sell the real estate in case of non-payment of any stipulated number of instalments or sum of money, and to apply the proceeds of such sale to the payment of the advances, interest and other charges due to the Society, such stipulations and agreements shall be valid and binding, and the Society may cause the same to be enforced either by foreclosure or by an action or proceeding in either of Her Majesty's Superior Courts of Common Law; and in such action the venue shall be laid in the County in which the lands lie, and the action may be brought in the names of the President and Treasurer of the Society, describing them as such, or in the corporate name of the Society. C. S. U. C. c. 53, s. 25.

Society may sell real estate mortgaged in certain cases.

**27.** If any person appointed to an office by the Society, and being entrusted with and having in his possession, by virtue of his office, any moneys or effects belonging to the Society, or any deeds or securities relating thereto, dies or becomes bankrupt or insolvent, his legal representative, or other person having a legal right, shall, within fifteen days after demand made by the order of the Directors of the Society, or the major part of them, assembled at any meeting thereof, deliver over all thing belonging to the Society to such persons as the Directors appoint. C. S. U. C. c. 53, s. 26.

Representatives of officers of Society to deliver over papers and moneys after demand.

Property of  
Society vested  
in President  
and Treasurer.

**28.** All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the Society, shall be vested in the President and Treasurer and their successors in office for the time being, for the use of the Society and the respective members thereof, according to their respective claims and interests, and shall, for all purposes of bringing or defending actions or suits, be deemed to be, and shall be stated to be, the property of the President and Treasurer, in the proper names of the President and Treasurer for the time being. C. S. U. C. c. 53, s. 27.

President and  
Treasurer may  
bring and de-  
fend suits.

**29.** The President and Treasurer may bring or defend any action, suit or prosecution, respecting any property, right or claim aforesaid, and may sue and be sued, plead and be impleaded in their proper names as President and Treasurer of the Society without other description. C. S. U. C. c. 53, s. 28.

Suits not to  
abate by death  
or removal  
from office.

**30.** No such suit, action or prosecution shall be discontinued or abated by the death or removal from office of the President or Treasurer, but shall continue in their names ; and the succeeding President and Treasurer shall have the same rights and liabilities, and shall pay or receive like costs as if the action, suit or prosecution had been commenced or been defended in their names, for the benefit of or to be satisfied out of the funds of the Society. C. S. U. C. c. 53, s. 29.

President and  
Directors re-  
lieved of re-  
sponsibility.

**31.** The President, Vice-President and Directors of the Society, in their private capacity, shall be exonerated from all responsibility in relation to the liabilities of the Society. C. S. U. C. c. 53, s. 31.

Rules to pro-  
vide that Sec-  
retary shall  
furnish annual  
statement of  
funds.

**32.** The rules of the Society shall provide that the Treasurer or other principal officer thereof shall, once at least in every year, prepare a general statement of the funds and effects of or belonging to the Society, specifying in whose custody or possession such funds or effects are then remaining, together with an account of all sums of money received or expended by or on account of the Society since the publication of the preceding periodical statement. C. S. U. C. c. 53, s. 32.

Secretary's  
statement to be  
attested by  
auditors.

**33.** Every such periodical statement shall be attested by two or more members of the Society, not being Directors, appointed Auditors for that purpose, and shall be countersigned by the Secretary or Clerk of the Society, and every member shall be entitled to receive from the Society without charge a copy of such periodical statement. C. S. U. C. c. 53, s. 33.

Act extends to  
aliens, females  
and bodies cor-  
porate.

**34.** This Act shall for all purposes extend to aliens, denizens and females ; and co-partners and corporate bodies may hold shares in any Society incorporated under the provisions of this



Act, in the same manner as single individuals; and this Act shall be construed in the most beneficial manner for promoting the ends thereby intended. C. S. U. C. c. 53, s. 34.

**35.** A member of, or investor in, or depositor with any Building Society having a sum of money in the funds thereof not exceeding two hundred dollars, may from time to time nominate any person or persons (such person or persons being within the Statute of Distributions) as successor or successors at death of such member or depositor, provided that such nomination is made in writing, and duly deposited with the Secretary or Manager of the Society; and upon receiving a statutory declaration of the death of the nominator, the Society shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor.

Member or investor in Building Society may nominate a successor.

2. If any member, investor or depositor with the Society having in the funds thereof a sum of money not exceeding two hundred dollars, dies intestate and without making any such nomination, then the amount due shall be paid to the person who appears to the Society to be entitled under the Statute of Distributions to receive the same without taking out letters of administration, upon the Society receiving a statutory declaration of death and intestacy, and that the person so claiming is entitled, as aforesaid.

Disposition of funds of intestate member.

3. Wherever the Society, after the decease of any member or depositor, has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased, under the belief that he died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the Society; but nevertheless, such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. 38 V. c. 18, s. 6.

When mistaken payments valid as against the Society.

**36.** In case of a sale of property mortgaged to the Society, any surplus not exceeding two hundred dollars over and above the amount due to the said Society, and costs, derived from sale under power of sale of any property mortgaged to the said Society, and over and above any claim of an execution creditor as hereinafter provided, where the mortgagor or his assigns died intestate, shall be and is hereby declared to be personal property, whether such sale took place before or after the death of the mortgagor or person entitled to the equity of redemption; except that, in all such cases, the widow of the intestate shall be entitled to a third of such surplus absolutely in satisfaction of her dower, and the Society shall have the like powers as to paying such surplus over without probate, or

Disposition of proceeds of sale under mortgages.

letters of administration, to such widow and next of kin, according to their respective interests, as is conferred by the thirty-fifth section of this Act upon the Society in case of depositors and members dying intestate. 38 V. c. 18, s. 7.

Rights of  
execution  
creditors.

**37.** Nothing in the preceding section shall prejudice the right of any execution creditor in respect of any right or lien he may have in respect of such surplus or any portion thereof to the amount of the execution in the hands of the Sheriff. 38 V. c. 18, s. 8.

#### PERMANENT BUILDING SOCIETIES.

Preamble.

9 V. c. 90.

Permanent  
Societies hav-  
ing fulfilled  
certain condi-  
tions, declared  
to be within  
this Act.

And their  
subscribers to  
be members.

9 V. c. 90, s. 5.  
C.S.U.C. c.  
53 s. 13.

**38.** Whereas under the Act passed in the ninth year of Her Majesty's reign, entitled *An Act to encourage the establishment of certain Societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada*, certain Building Societies have been established called Permanent Building Societies, which have in a great measure superseded those Societies called Terminating Building Societies, and are conducted on more certain and equitable principles than the said Terminating Building Societies, by enabling persons to become members thereof at any time for investment therein, or to obtain the advance of their shares or share by giving security therefor, and to fix and determine with the said Society the time when and amount at which such members shall repay such advanced share or shares, and obtain the release of the said security, without being liable to the contingency of losses or profits in the business of the said Society; And whereas doubts had arisen as to whether such Permanent Building Societies were within the meaning and intention of the said recited Act; Therefore, any Permanent Building Society established under the said hereinbefore recited Act, and the Acts amending the same or under the fifty-third chapter of the Consolidated Statutes for Upper Canada, or hereafter established under this Act, and conducted on the principle hereinbefore mentioned, which has fulfilled and observed or which fulfils and observes all the conditions necessary to be fulfilled and observed for the establishment of a Building Society under the said recited Acts, or under this Act (as the case may be), shall be and the same is hereby declared to be and to have been a Building Society within the meaning and intention of the said recited Acts and of this Act, and to be and to have been entitled to all the powers, benefits and advantages of the said recited Acts and of this Act; and any person or persons who have signed the rules and regulations of any such Building Society entered and recorded in a book, as in the fifth section of the said recited Act, passed in the ninth year of Her Majesty's reign, and in the thirteenth section of the fifty-third chapter of the Consolidated Statutes for Upper Canada and in the

sixth section of this Act is required, and have subscribed his or their name or names as a shareholder or shareholders for one or more shares, shall, from the time of such signature and subscription, be and be deemed to have been a member or members of such Building Society; and the production of the book containing the rules for the management of such Society, kept as aforesaid signed by such person and duly witnessed, shall, at all times and for all purposes, be sufficient evidence of membership in such Building Society. C. S. U. C. c. 53, s. 36.

Evidence of membership.

**39.** Any Permanent Building Society may alter, amend, repeal or create any regulation, rule or by-law for the working of the said Society, at a public meeting of the members of such Society, convened as is directed by the tenth section of this Act, and at which public meeting one-third of the members of the said Society, entitled to vote by the rules of the said Society, and representing not less than two-thirds of the unadvanced stock of such Society, do, either in writing under their hand or by a vote at such meeting, concur in such alteration, amendment or repeal of such regulation, rule or by-law, or in the creation of any new rule, regulation or by-law. C. S. U. C. c. 53, s. 37.

How by-laws of Permanent Societies may be passed or amended.

**40.** Any member entitled to vote at any meeting of any Permanent Building Society, held under the last preceding section, may be represented and vote at such meeting by his proxy, such proxy being a member of such Society. 29 V. c. 38, s. 4.

Members may vote by proxy.

**41.** Except as provided in, and subject to, the fifty-second to fifty-fifth sections, every such Society, by its rules, regulations and by-laws authorized to borrow money, shall not borrow, receive, take or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three-fourths of the amount of capital actually paid in on unadvanced shares, and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received or taken by any Society. C. S. U. C. c. 53, s. 38.

Amount to which Societies may borrow money, limited.

**42.** When any share or shares in any Society have been fully paid up according to the rules of the Society, or have become due and payable to the holder thereof, then and in such case the holder of such share or shares may either withdraw the amount of his share or shares from the said Society, according to the rules and regulations thereof, or invest the amount of his said share or shares in the Society, and receive therefrom periodically such proportion of the profits made by such Society as may be provided for by a by-law to be passed for the purpose; and the amount of such share or shares so invested shall become fixed and permanent capital or shares in the

Shareholder whose share is paid up, may receive or invest the amount.

said Society, not withdrawable therefrom, but transferable in the same manner as other shares in the said Society.

As to paying  
up shares in  
full.

2. Any share or shares may, at any time, be paid up in full and capitalized at once, as permanent stock, and any such share or shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription.

As to borrow-  
ing money.

3. No such Society hereafter to be established shall borrow money or receive deposits until not less than one hundred thousand dollars of stock has been subscribed, and not less than forty thousand dollars has been actually paid thereon. (C. S. U. C. c. 53, s. 39; 29 V. c. 38, s. 7.)

Advances on  
security of  
investing on  
unadvanced  
shares.

43. Such Society may advance to members on the security of investing on unadvanced shares in the said Society, and may receive and take from any person or persons, or bodies corporate, any real or personal security of any nature or kind whatever as collateral security for any advance made to members of the Society. C. S. U. C. c. 53, s. 40.

Directors may  
close subscrip-  
tion of shares.

44. The Directors of any such Society at any time, and from time to time as they may think expedient may, by resolution, close for any specified time, or until further order, the subscription of shares to be held for investment in the Society, and thereafter, until the expiration of such specified time, or until such further order, no new shares shall be subscribed for investment in the Society. Such new issue of shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions; but in case such new shares are not taken up within thirty days, then the said shares, or the remaining shares, shall be sold, and any premium thereon applied to the general benefit of the Society. 29 V. c. 38, s. 1.

Members may  
determine at a  
general or  
special meet-  
ing to close  
subscription  
of shares.

45. The members entitled to vote at any time, may by resolution to be passed at any special or general meeting, (for which meeting, notice of such intended resolution shall be duly given, according to the tenth section of this Act,) determine that no new shares shall thereafter be subscribed for investment in any such Society; and thereafter no new shares for investment shall at any time be subscribed therein, and the subscription of such shares shall cease for ever. 29 V. c. 38, s. 2.

Shares to be  
immediately  
advanced  
excepted.

46. Nothing done under the two next preceding clauses of this Act shall have the effect of preventing any such Society from creating, as it otherwise might, any share or shares to be immediately advanced to the subscriber or subscribers thereof, or



of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from such Society by giving security therefor. 29 V. c. 38, s. 3.

**47.** No shareholder of any such Society shall be liable for or charged with the payment of any debt or demand due by the Society, beyond the extent of his shares in the capital of the Society not then paid up. 39 V. c. 32, s. 2. [See also 37 V. c. 50, s. 2 (D).] Liability of shareholders limited.

**48.** Any Society may hold absolutely real estate for the purposes of its place of business, not exceeding the annual value of six thousand dollars. C. S. U. C. c. 53, s. 41. Holding real estate.

**49.** Such Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable by or in the hands of any such Society, may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, shall, from time to time, be sufficient discharge to the Society for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not such Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt. 39 V. c. 32, s. 10. [See also 37 V. c. 50, s. 10 (D).] Society not bound to see to execution of trusts or application of moneys paid on receipt, etc.

**50.** Any such Society may lend money in conformity with the laws of Canada and with the laws authorizing the establishment of Building Societies in Ontario, and the by-laws of such Society, to any person or persons or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said Society: but all borrowers from any such Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers, but not to any other rules. 39 V. c. 32, s. 3. [See also 37 V. c. 50, s. 3 (D).] Society may lend money to others than its members. Proviso as to rules affecting borrowers.

**51.** The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society directs and appoints, and as is specified in the mortgage or assignment of mortgage to be made of such real estate, and by means of such revenues, rates, rents, tolls or profits as hereinafter mentioned; and the Society may do all acts that may be necessary for advancing money, and for recovering and obtaining repay- Repayment and recovery of money advanced and interest thereon.

ment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. 39 V. c. 32, s. 5. [*See also* 37 V. c. 50, s. 5 (D).]

Power to  
borrow money  
on debentures.

**52.** The Board of Directors of any such Society having a paid-up capital of not less than two hundred thousand dollars in fixed and permanent stock not liable to be withdrawn therefrom, may issue debentures of such Society to such an amount as, with all the other liabilities of such Society, will be equal to double the amount of the capitalized fixed and permanent stock, not liable to be withdrawn therefrom, and the reserve fund of such Society. 39 V. c. 32, s. 6; 40 V. c. 22, s. 1.

Not to exceed  
their mort-  
gages.

2. The total liabilities of such Society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society; and in estimating the liabilities of such Society, the amount of cash actually in the hands of such Society, or deposited in any chartered bank, shall be deducted therefrom; and in ascertaining the principal remaining unpaid on the mortgages held by any such Society, it shall be incumbent upon such Society to compute or discount such mortgages at rates of interest at least equal to the rates which they respectively bear or were originally calculated to yield. 40 V. c. 22, s. 1.

Liabilities and  
principal on  
mortgages,  
how estimated.

Deductions to  
be made in  
estimating the  
paid-up  
capital.

3. All loans or advances by any Society, to its shareholders upon the security of their stock, shall be deducted from the amount of paid-up capital upon which such Society is authorized to borrow. 40 V. c. 22, s. 1. [*See also* 37 V. c. 50, s. 6 (D).]

Reserve Fund.

**53.** The reserve fund of any Society shall consist of surplus profits and assets, after full and ample provision has been made for all bad and doubtful debts, and other known contingent deductions. 40 V. c. 22, s. 2.

Amount and  
form of  
debentures.

**54.** The debentures of such Society shall be for such sums, not being less than one hundred dollars, and in such currency as the Board of Directors may deem advisable, and shall be payable not less than one year from the issue thereof at such place as may be therein mentioned, and may be in the form of the Schedule to this Act, or to the like effect. 39 V. c. 32, s. 6, *part*, & s. 7. [*See also* 37 V. c. 50, s. 6 (D).]

Notice of in-  
tention of So-  
ciety to avail

**55.** In case any Society which has heretofore issued debentures under the Act passed in the thirty-ninth year of Her

Majesty's reign, and chaptered thirty-two, desires to avail itself of the increased borrowing powers hereinbefore conferred, it shall be the duty of the Board of Directors of such Society, to leave at the place where such debentures are payable, a copy of the fifty-second to fifty-fifth sections inclusive of this Act, and a printed notice directed to the holders of such debentures, that such Society intends to avail itself of the provisions of said sections, and thereupon any such debenture holder shall at any time within six months after the leaving of such notice, as aforesaid, have the right after giving six months' notice in writing, to demand, and on presentation of his debentures and coupons, to receive payment of such debentures with interest up to the time of payment—such notice in writing to be left, and presentation for payment to be made at the place where such debentures are payable. 40 V. c. 22, s. 3.

**56.** The Directors of any Permanent Building Society incorporated under this Act, or under any other Act respecting Building Societies within the legislative authority of the Legislature of this Province, may from time to time alter, amend, repeal or create any regulation, rule or by-law for the working of any such Society.

Directors may make or amend by-laws, etc.

2. Such action of the Directors shall not have a binding force until confirmed at a general meeting of the shareholders of the Society upon a vote of two-thirds of the capital stock represented at such meeting,—notice being given of the proposed changes, in the notice calling the meeting.

Confirmation by shareholders.

3. At such general meeting the shareholders may, by a like vote, alter or amend such proposed regulations, rules or by-laws, and may confirm the same as so altered and amended. 39 V. c. 32, s. 1. [See also 37 V. c. 50, s. 1 (D).]

Alteration at general meeting.

**57.** The President, Vice-President and Directors of any Permanent Building Society, incorporated as aforesaid, shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating such Society, subject to the rules or by-laws of such Society; and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of such Society; and the Directors shall and may lawfully exercise all the powers of such Society, except as to such matters as are directed by law to be transacted by a general meeting of such Society. 39 V. c. 32, s. 8, *first part*. [See also 37 V. c. 50, s. 8 (D).]

Powers of Directors of Society.

**58.** The Directors may use and affix, or may cause to be used and affixed, the seal of such Society to any document or paper

Powers of Directors.

which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are authorized to be made by or on behalf of such Society, and enter into all contracts for the execution of the purposes of such Society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of such Society, for the time being, in such manner as they deem expedient and conducive to the benefit of such Society, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age: they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to such Society by the Legislature for the performance and fulfilment of any conditions or provisions from time to time prescribed by the Legislature in giving such further powers and authorities, or in altering or repealing the same respectively or any of them. 39 V. c. 32, s. 8, *last part*. [See also 37 V. c. 50, s. 8 (D).]

By-laws and documents of Society, when authentic and *prima facie* evidence.

**59.** All by-laws of any such Society shall be reduced to writing, and shall have affixed thereto the common seal of the Society, and any copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all civil Courts of Justice in Ontario of such by-laws or extracts from them, and that the same were duly made and are in force; and in any civil action or proceeding at Law or in Equity it shall not be necessary to give any evidence to prove the seal of such Society, and all documents purporting to be sealed with the seal of any such Society, attested by the President, Treasurer or Manager thereof, shall be held *prima facie* to have been duly sealed with the seal of such Society. 39 V. c. 32, s. 9. [See also 37 V. c. 50, s. 9, (D).]

Amalgamation of Societies.

**60.** Any Permanent Building Society incorporated as aforesaid may unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other Building, Saving or Loan Society, incorporated or chartered as aforesaid, and may enter into all contracts and agreements therewith, necessary to such union and amalgamation. 39 V. c. 32, s. 12.

Joint agreement between Directors proposing to

**61.** The Directors of the two Societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement, under the corporate seals of each of the said Corporations,



for the amalgamation and consolidation of the said Corporations, <sup>amalgamate, &c.,</sup> prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new Corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said Corporations into that of the new Corporation, and how, and when, and for how long Directors and other officers of such new Corporations shall be elected, and when elections shall be held,—with such other details as they deem necessary to perfect such new organization and the consolidation and amalgamation of the said Corporations, and the after management and working thereof. 39 V. c. 32, s. 13.

**62.** Such agreement shall be submitted to the shareholders of each of the said Societies at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each shareholder of the said Societies respectively at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such Societies once a week for two successive weeks. 39 V. c. 32, s. 14, *first part*.

To be submitted to shareholders of each Society for consideration.

**63.** At such meetings of shareholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to one vote, and the said ballots shall be cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such Corporations are for the adoption of such agreement, then that fact shall be certified upon the said agreement by the Secretary of each of such Corporations under the corporate seals thereof; and if the said agreement is so adopted at the respective meetings of the shareholders of each of the said Corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Provincial Secretary, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the said Societies, and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new Corporation. 39 V. c. 32, s. 14, *last part*.

Vote by ballot to be taken.

Agreement, if adopted, to be filed with Provincial Secretary.

**64.** Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several Societies, parties thereto, shall be deemed and taken to be consolidated, and to form one Corporation by the name in the said agreement provided, with a common seal, <sup>Upon completion of consolidation, the new corporation to possess rights, powers, etc., and be subject</sup>

to duties, etc.  
of each of uni-  
ted societies.

and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such Corporations so consolidated and united, except as herein otherwise provided. 39 V. c. 32, s. 15.

All property  
and rights  
vested in new  
corporation  
without  
further act  
or deed.

**65.** Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such Corporations or either of them, shall be taken and deemed to be transferred to and vested in such new Corporation without further act or deed.

Proviso, as to  
rights of credi-  
tors, etc., of  
either of cor-  
porations.

2. All rights of creditors and liens upon the property of either of such Corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said Corporations shall thenceforth attach to the new Corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Proviso as to  
actions  
against.

3. No action or proceeding, legal or equitable, by or against the said Corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such Corporation may be deemed still to exist, or the new Corporation may be substituted in such action or proceeding in the place thereof. 39 V. c. 32, s. 16.

Auditors and  
directors, their  
appointment,  
remuneration,  
etc.

**66.** The choice and removal of the Auditors of the Society the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the Society; and the Auditors shall not necessarily be shareholders.

Scale of votes.

2. In case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place, and at all meetings of shareholders of the Society the shareholders shall have one vote for each share held by them respectively. 39 V. c. 32, s. 17.

Annual state-  
ment of assets  
and liabilities  
etc., to be  
transmitted to  
Provincial  
Treasurer.

**67.** Such Society shall, on or before the fifteenth day of February in each year, transmit to the Provincial Treasurer a full and clear statement of their assets and liabilities on some day to be stated therein, and such day shall not be more than six months prior to the said fifteenth day of February, and such statement shall contain, in addition to such other particulars as the Provincial Treasurer may require, the following:

(a) The amount of stock subscribed;

(b) The amount paid in upon such stock;

(c) The amount borrowed for the purposes of investment and the securities given therefor;

(d) The amount invested and secured by mortgage deeds ;

(e) The amount of mortgages payable by instalments ;

(f) The number and aggregate amount of mortgages upon which compulsory proceedings have been taken during the past year ;

(g) The present cash value of the Society's investments on mortgages and other securities, and the rate or rates per cent. at which the future repayments are discounted in ascertaining such present cash value. 39 V. c. 32, s. 18.

**68.** Such statement shall be attested by the oath, before some Justice of the Peace, of two persons, one being the President, Vice-President, Manager or Secretary, and the other the Manager, Secretary or Auditor of such Society, each of whom shall swear distinctly that he holds such office as aforesaid ; that he has had the means of verifying and has verified the statement aforesaid, and found it to be exact and true in every particular ; and such statement shall be published by the Provincial Treasurer, in such manner as he thinks most conducive to the public good ; and for any neglect to transmit such statement in due course of post within five days after the day upon which the same should be transmitted, such Society shall incur a penalty of one hundred dollars per diem. 39 V. c. 32, s. 19.

Statement to be attested on oath, and to be published.

Penalty for non-transmission.

**69.** If such statement is not transmitted within one month after the said fifteenth day of February, or if it appears by the statement that such Society is not in a condition to justify its continuance in business with the powers theretofore possessed by such Society, the Provincial Treasurer may, under the authority of or by order of the Lieutenant-Governor in Council, by a notice in the *Ontario Gazette*, declare the business of such Society to have ceased so far as regards borrowing money and any other matters mentioned in the Order in Council and notice aforesaid. 39 V. c. 32, s. 20.

In case of non-transmission, or bad condition of the Society, their power to borrow may be stayed.

**70.** If the Provincial Treasurer, in any case, suspects any such statement to be wilfully false, he may depute some competent person to examine the books and inquire into the affairs of such Society and to report to him on oath ; and if by such report it appears that such statement was wilfully false, or that such Society is not in a condition to justify its continuance in business, with the powers theretofore possessed by such Society, or if the person so deputed reports on oath sworn as aforesaid, that he has been refused such access to the books or such information as would enable him to make a sufficient report, the said Treasurer may, under the authority aforesaid, by notice in the *Ontario Gazette*, declare the business of such Society to have ceased, as in the next preceding section provided for. 39 V. c. 32, s. 21.

Business may be stayed by the Provincial Treasurer on examination & report of false statement, or bad condition or refusal to show books.

Notice by  
Treasurer of  
intent to stay  
business of  
Society.

**71.** In any of the cases in which discretionary power is given to declare the business of such Society to have ceased, the Treasurer may before so doing give notice to such Society and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements and the publication thereof shall be borne by such Society. 39 V. c. 32, s. 22.

Power to  
change name.

**72.** Where any such Society as mentioned in the fifty-sixth section is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the change desired is not for any improper purpose, and is not otherwise objectionable, may by Order in Council change the name of the Society to some other name set forth in the said Order. 39 V. c. 32, s. 25.

Notice of  
intent to  
change name.

**73.** The Society shall give at least four weeks' previous notice in the *Ontario Gazette* of the intention to apply for the change of name, and shall state the name proposed to be adopted; in case the proposed name is considered objectionable, the Lieutenant-Governor in Council may, if he thinks fit, change the name of the Society to some other unobjectionable name, without requiring any further notice to be given. 39 V. c. 32, s. 26.

Procedure on  
change of  
name.

**74.** Such change shall be conclusively established by the insertion in the *Ontario Gazette* of a notice thereof by the Provincial Secretary; and his certificate of such change having been made shall be obtained by the Society and filed in the office of the Clerk of the Peace of the County, with whom is filed the declaration constituting such Society; the Clerk shall, upon payment by the Society of a fee of one dollar therefor, endorse a copy of such certificate upon the said declaration; the Society shall (under a penalty of two hundred dollars in case of default), within one month after the insertion of the said notice, cause the said certificate to be filed, and require the said endorsement made as aforesaid.

2. The Lieutenant-Governor in Council may establish the fees to be paid on applications for change of name under this Act. 39 V. c. 32, s. 27.

Confirmation  
of all acts  
done under 37  
V. c. 50. (*Dom.*)

**75.** Every debenture, mortgage, bond, deed, agreement or other instrument executed by or to any Building Society, and every other act, deed, matter or thing done in pursuance of the provisions of an Act passed in the Session held in the thirty-seventh year of Her Majesty's reign, by the Parliament of the Dominion of Canada, and intituled "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario*," and every rule made thereunder, shall be as valid and effectual as if this Act had been passed on the twenty-sixth day of May, one thousand eight hundred and seventy-four, and such debenture, mortgage, bond, deed, agreement or



other instrument had been executed, or such other act, deed, matter or thing had been done or rule made by virtue thereof; and all changes in the corporate name of any existing Building Society incorporated as aforesaid, heretofore made or purported to be made by or in pursuance of any Act of the said Parliament, are hereby confirmed. 39 V. c. 32, s. 23.

**76.** All the provisions of this Act shall apply to the Societies mentioned in the fifty-sixth section of this Act, and any rights, powers or privileges of any such Society, contrary to the provisions of this Act, are repealed. 39 V. c. 32, s. 24.

[See also Acts of Canada, 37 V. c. 50 and 40 V. c. 48.]

### SCHEDULE.

(Section 54.)

## FORM OF DEBENTURE.

*Society.*

Debenture No.	Transferable	\$
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Under the authority of The Revised Statutes of Ontario, Chapter one hundred and sixty-four.

The President and Directors of the Society  
promise to pay to \_\_\_\_\_ or bearer the sum of \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord one thousand eight hundred and \_\_\_\_\_  
at the Treasurer's Office here (*or as the case may be*), with interest at the  
rate of \_\_\_\_\_ per cent. per annum, to be paid half-yearly on presenta-  
tion of the proper coupon for the same as hereunto annexed, say on the  
\_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_  
in each year, at the office of the Treasurer here (*or as the case may be*).

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

For the President and Directors of the Society,  
C. D., A. B.,  
Secretary (or Manager). President.

## COUPON.

No 1. \$

Half-yearly dividend due of 18 , on  
 Debenture No. issued by this Society on the  
 day of 18 , for \$ at per cent. per  
 annum, payable at the office of the Treasurer, (as the case may be).

For the President and Directors.

C. D.,  
Secretary (or Manager).

## 4. *Railway Companies.*

CHAP. 165.—General Railway Act, p. 1490.

“ 166.—Aid to Railways, p. 1544.

### CHAPTER 165.

#### An Act respecting Railways.

##### PART FIRST.

Short Title, s. 1.	President and Directors—their Election and Duties, s. 26.
Interpretation, s. 2, 3.	Calls on stock, s. 27.
Application of Act, ss. 4-7.	Dividends, s. 28.
Incorporation of Companies, s. 8.	Shares and their Transfer, s. 29.
Powers, s. 9.	Shareholders, s. 30.
Plans and Surveys, s. 10.	Municipalities taking stock, s. 31.
Taking of Lands and their Valuation, ss. 11-20.	By-Laws, Notices, s. 32.
Highways and Bridges, s. 21.	Working of the Railway, s. 33.
Fences, s. 22.	Actions for Indemnity ; and Fines and Penalties, ss. 34, 35.
Tolls, s. 23.	General Provisions, s. 36.
General Meetings, s. 24, 25.	

##### PART SECOND.

Application of sections, ss. 37, 38.	Appointment of Constables, ss. 73-78.
Proceedings where additional space required, ss. 39-42.	General Provisions, ss. 79-100.
Inspection of Railways, &c., ss. 43-67.	Interest or Rent, when deemed working expenses, s. 101.
Railway Inspection Fund, s. 68.	Penal Clauses, pp. 1541-1543.
Traffic Arrangements, ss. 69-72.	

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

##### SHORT TITLE.

Short title.

1. This Act may be cited as “ *The Railway Act of Ontario.* ”

##### INTERPRETATION.

Interpretation of words.

2. In the construction of this Act the following words and expressions shall have the meanings hereby assigned to them,

unless there is something in the subject or context repugnant to such construction, that is to say :—

(1.) “The Special Act,” shall be construed to mean any Act authorizing the construction of a Railway, and with which this Act is incorporated. “The Special Act.”

(2.) “Prescribed,” used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the Special Act” had been used; “Prescribed.”

(3.) “The Lands” shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof; “The lands.”

(4.) “The Undertaking” shall mean the Railway and works, of whatever description, by the Special Act authorized to be executed. C. S. C. c. 66, s. 7 (1-4). “The undertaking.”

**3.** The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say : Interpretation of words in this Act and in Special Acts.

(1.) “Lands” shall include all real estate, messuages, lands, tenements and hereditaments of any tenure; “Lands.”

(2.) “Lease” shall include any agreement for a lease; “Lease.”

(3.) “Toll” shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandize, articles, matters or things conveyed on the Railway; “Toll.”

(4.) “Goods” shall include things of every kind conveyed upon the Railway, or upon steam or other vessels connected therewith; “Goods.”

(5.) “County” shall include any union of Counties, County Riding, or like division of a County in the Province; “County.”

(6.) “Highways” shall mean all public roads, streets, lanes, and other public ways and communications; “Highways.”

(7.) “Sheriff” shall include Under Sheriff, or other legal competent Deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression “the Sheriff,” or the expression “Clerk of the Peace,” shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, “Sheriff.” “Clerk of the Peace.”

Division, or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate;

“Justice.”

(8.) “Justice” shall mean Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, the word “Justice” shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter;

“Owner.”

(9.) “Owner,” (where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company;

“The Company.”

(10.) “The Company” shall mean the Company or party authorized by the Special Act to construct the Railway;

“The Railway.”

(11.) “The Railway” shall mean the Railway and works by the Special Act authorized to be constructed;

“Clause.”

(12.) “Clause” shall mean any separate section of this Act, or any other Act therein referred to, distinguished by a separate number;

“Shareholder.”

(13.) “Shareholder” shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. C. S. C. c. 66, s. 7 (5-19).

#### APPLICATION OF ACT.

Application of Act.

4. Where not otherwise expressed, this and the following sections to the thirty-sixth, inclusive, shall apply to every Railway which is subject to the Legislative authority of the Legislature of this Province and has been authorized to be constructed by any Special Act of the late Province of Canada or of this Province, passed since the thirtieth day of August one thousand eight hundred and fifty-one, or is authorized to be constructed by any Special Act passed after this Act takes effect; and this Act shall be incorporated with every such Special Act; and all the clauses and provisions of this Act, unless



they are expressly varied or excepted by any such Special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall, as well as the clauses and provisions of every other Act incorporated with such Special Act, form part of such Special Act, and be construed together therewith as forming one Act. C. S. C. c. 66, s. 2.

5. Every Special Railway Act shall be a Public Act, and for the purpose of incorporating this Act or any of its provisions with a Special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with such Special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by such Special Act, form part thereof, and such Special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Special Act relates. C. S. C. c. 66, ss. 123 & 3.

What shall be sufficient in making an incorporation of this Act with Special Acts.

6. The power given by the Special Act to construct the Railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. C. S. C. c. 66, s. 4.

Power to construct Railway &c., to be exercised subject to provisions of this Act.

7. For the value of lands taken and for all damages to lands injuriously affected by the construction of the Railway in the exercise of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected. C. S. C. c. 66, s. 5.

Compensation to be made for lands damaged.

2. Unless otherwise specially provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. C. S. C. c. 66, s. 6.

How compensation to be determined.

#### INCORPORATION.

8. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and are incident to such corporation, or are expressed or included in "*The Interpretation Act.*" C. S. C. c. 66, s. 8.

Companies established under Special Acts, declared to be bodies corporate, &c.

Rev. Stat. c. 1, s. 8 (24).

#### POWERS.

9. The Company shall have power and authority—

Powers :

To receive  
grants of land  
&c;

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purpose of such grants or donations only; C. S. C. c. 66, s. 9 (1).

Purchase  
land;

2. To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same; C. S. C. c. 66, s. 9 (2).

Occupy public  
lands, beaches,  
&c;

3. No Railway Company heretofore or hereafter authorized to be constructed shall take possession of, use or occupy any lands vested in the Province, without the consent of the Lieutenant-Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and works, but nothing in this subsection contained shall apply to or affect the thirty-first paragraph of the eleventh section of chapter sixty-six of the Consolidated Statutes of Canada; C. S. C. c. 66, s. 9 (3) & 133.

[C. S. C. c. 66, s. 11 (31) *is as follows* :

As to lands  
belonging to  
Her Majesty,  
&c.

(31.) Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for naval or military purposes, they shall first apply for and obtain the license or consent of Her Majesty, under the hand and seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a report first made thereupon by the Naval or Military authorities in which such lands are, for the time being, vested, approving of such license and consent being so given as aforesaid. 14, 15 V. c. 51, s. 11].

See C. S. C. c.  
66, s. 139.

Carry Railway  
across lands of  
corporations,  
and others;

4. To make, carry or place the Railway across or upon the lands of any corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although through error or other cause, the name of such party has not been entered in the book of reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands; C. S. C. c. 66, s. 9 (4).

And across or  
along streams,  
&c;

5. To construct, maintain, and work the Railway across, along or upon any stream of water, water course, canal, highway or railway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; but this shall not author-

ize the obstruction of the navigation of any navigable water ;  
C. S. C. c. 66, s. 9 (5).

6. To make, complete, alter and keep in repair the Rail- Complete  
way with one or more sets of rails or tracks to be worked Railway with  
by the force and power of steam, or of the atmosphere, or of one or more  
animals, or by mechanical power, or by any combination of tracks, &c ;  
them ; C. S. C. c. 66, s. 9 (6).

7. To erect and maintain all necessary and convenient Erect neces-  
buildings, stations, depots, wharves and fixtures, and from time sary buildings,  
to time to alter, repair or enlarge the same, and to purchase and wharves, &c.  
acquire stationary or locomotive engines and carriages, waggons,  
floats and other machinery and contrivances necessary for the  
accommodation and use of the passengers, freight and business  
of the Railway ; C. S. C. c. 66, s. 9 (7).

8. To make branch Railways, if required and provided Branch Rail-  
by the Special Act, and to manage the same, and for that pur- ways ;  
pose to exercise all the powers, privileges and authorities neces-  
sary therefor, in as full and ample a manner as for the Railway ;  
C. S. C. c. 66, s. 9 (8).

9. To construct, erect and make all other matters and All other mat-  
things necessary and convenient for the making, extending ters and things  
and using of the Railway, in pursuance of and according to necessary for  
the meaning and intent of this Act, and of the Special Act ; Railway  
C. S. C. c. 66, s. 9 (9).

10. To take, transport, carry and convey persons and goods Convey per-  
on the Railway, to regulate the time and manner in which sons and goods  
the same shall be transported, and the tolls and compensation on Railway ;  
to be paid therefor, and to receive such tolls and compensation ;  
C. S. C. c. 66, s. 9 (10).

11. To borrow, from time to time, either in this Province Borrow  
or elsewhere, such sums of money as may be expedient for money, &c.  
completing, maintaining and working the Railway, and at a rate  
of interest authorized by the laws of Canada, but not exceeding  
eight per cent. per annum, and to make the bonds, debentures  
or other securities granted for the sums so borrowed, payable  
either in currency or in sterling, and at such place or places  
within this Province or without as may be deemed advisable,  
and to sell the same at such prices or discount as may be  
deemed expedient, or be necessary, and to hypothecate, mort-  
gage, or pledge the lands, tolls, revenues and other property of  
the Company for the due payment of the said sums and the in-  
terest thereon, but no such debenture shall be for a less sum  
than one hundred dollars ; C. S. C. c. 66, s. 9 (11).

12. To enter into and upon any lands of Her Majesty, the Enter upon  
property of this Province, without previous license therefor, Her Majesty's  
or into and upon the lands of any Corporation or person what- lands, &c. ;

soever lying in the intended route or line of the Railway ;  
C. S. C. c. 66, s. 9 (12).

Make surveys  
of lands ;

13. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway ; C. S. C. c. 66, s. 9 (13).

Remove trees.

14. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either side thereof ; C. S. C. c. 66, s. 9 (14).

Unite with  
other Rail-  
ways.

15. To cross, intersect, join and unite the Railway with any other Railway at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purposes of such connection ; and the owners of both Railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of one of the Superior Courts of this Province. C. S. C. c. 66, s. 9 (15).

But not with-  
out application  
to the Com-  
missioner of  
Public Works.

16. No Railway Company shall avail itself of any of the powers contained in the last sub-section without application to the Commissioner of Public Works, of which application notice in writing shall be given to any other Railway affected, by sending the same by mail, or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such Railway Company, for approval of the mode of crossing, union or intersection proposed ; and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section ; but this sub-section shall not apply to anything done before the thirtieth of June, 1858. C. S. C. c. 66, ss. 130, 132 ; 37 V. c. 36, s. 1.

Any Railway  
Company may  
construct  
Branch Rail-  
ways, on cer-  
tain condi-  
tions.

17. Any Railway Company heretofore or hereafter incorporated may construct a branch or branches not exceeding six miles in length from any terminus or station of the Railway of such Company, whenever a by-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act of incorporation of such Company or in this Act, nor shall anything in either of the said Acts authorize any Company to take for such branch any lands belonging to any party without the consent of such party first obtained. C. S. C. c. 66, s. 128.



18. Any Railway Company heretofore or hereafter incorporated which desires at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all the clauses of this Act shall refer as fully to the part of any such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Act incorporating such Company; but this subsection shall not apply to anything done before the thirtieth of June, 1858. C. S. C. c. 66, ss. 129 & 132.

Changes may be made in the line of a Railway at any time for certain purposes.

## PLANS AND SURVEYS.

10. Plans and surveys shall be made and corrected as follows:

Provision respecting surveys and levels.

1. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the Railway, in which shall be set forth:—

Book of Reference.

(a.) A general description of the said lands;

(b.) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(c.) Everything necessary for the right understanding of such map or plan; C. S. C. c. 66, s. 10 (1).

2. The map or plan and book of reference shall be examined and certified by the Commissioner of Crown Lands or his Deputies, who shall deposit copies thereof in the office of the Clerks of the Peace in the Districts or Counties through which the Railway passes, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said Company; C. S. C. c. 66, s. 10 (2); 23 V. c. 2, s. 4.

By whom certified.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the Clerks of the Peace, at the rate of ten cents for every hundred words; C. S. C. c. 66, s. 10 (3).

Copies.

4. The triplicates of such map or plan and book of reference so certified, or a true copy thereof certified by the Provincial Secretary, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere; C. S. C. c. 66, s. 10 (4).

Evidence.

Omissions how remedied.

5. Any omission, mis-statement or erroneous description of such lands or of the owners or occupiers thereof, in any map or plan or book of reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, mis-statement or erroneous description arose from mistake, the Justices shall certify the same accordingly; C. S. C. c. 66, s. 10 (5).

Contents of certificate.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or book of reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate; C. S. C. c. 66, s. 10 (6).

Alterations from original survey.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the Railway, a plan and section in triplicate of such alterations as have been approved of by the Legislature, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section, so far as relate to the several Districts or Counties in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of such Districts and Counties; C. S. C. c. 66, s. 10 (7).

Railway not to be proceeded with until map, &c., deposited.

8. Until such original map or plan and book of reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with; C. S. C. c. 66, s. 10 (8).

Clerks of the Peace to receive copies of original plan, &c.

9. The Clerks of the Peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars; C. S. C. c. 66, s. 10 (9).

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the maps, plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required; C. S. C. c. 66, s. 10 (10).

11. No deviation of more than one mile from the line of the Railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shown in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act; C. S. C. c. 66, s. 10 (11).

Line not to deviate more than a mile.

12. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands; C. S. C. c. 66, s. 10 (12).

Error in the name of a person entered in a book of reference.

13. A map and profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioner of Public Works, and like maps of the parts thereof located in different Counties shall be filed in the Registry Offices for the Counties or other Registration Divisions in which such parts are respectively situate; C. S. C. c. 66, s. 113.

Map, &c., of Railway to be filed in the office of the Commissioner of Public Works.

14. Every such map shall be drawn on such a scale and such paper as may from time to time be designated for that purpose by the Commissioner of Public Works, and shall be certified and signed by the President or Engineer of the Company. C. S. C. c. 66, s. 114.

On what scale and paper to be drawn.

#### LANDS AND THEIR VALUATION.

11. The lands which may be taken without the consent of the proprietor thereof shall not exceed thirty yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shown on the map or plan, or plans or sections, so far as the same are then ascertained, but their not being so shown shall not prevent such extra breadth from being taken, provided it be taken upon the line shown or within the distance aforesaid from such line. C. S. C. c. 66, s. 10 (13).

Extent of lands to be taken without consent of proprietor.

12. The extent of the public beach, or of the land covered with the waters of any river or lake in the Province, taken for the Railway, shall not exceed the quantity limited in the next preceding clause. C. S. C. c. 66, s. 10, (14).

Extent of public beach to be taken.

Corporation,  
&c., may con-  
vey lands.

**13.** All corporations and persons whatever, tenants in tail or for life, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the Company all or any part thereof. C. S. C. c. 66, s. 11 (1).

Limitation of  
powers in  
certain cases.

**2.** But the powers by the preceding subsection conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any Railway Company. C. S. C. c. 66, s. 11 (1); 24 V. c. 17, s. 1.

Effect of sale  
under preced-  
ing section.

**14.** Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Railway Company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the Corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act. C. S. C., c. 66, s. 11 (1); 24 V. c. 17, s. 1.

Disposition of  
purchase  
money.

**15.** The Company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court for his benefit, as hereinafter provided. 24 V. c. 17, s. 2.

Effect of con-  
tracts made  
before deposit  
of map.

**16.** Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award. C. S. C. c. 66, s. 11 (2).

Corporations  
who cannot  
sell, may agree

**17.** All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equiva-



lent, and not upon a principal sum, to be paid for the lands; <sup>upon a fixed rent.</sup> and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper County or other Registration Division. C. S. C. c. 66, s. 11 (3).

18. Wherever there is more than one party proprietor of any land as joint tenant or tenants in common, or any contract <sup>As to tenants in common, etc.</sup> or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants, or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. C. S. C. c. 66, s. 11 (4).

19. After one month from the deposit of the map or plan <sup>After one month's notice of deposit of map, &c., application to the owner of lands.</sup> and book of reference, and from notice thereof in at least one newspaper, if there is any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as in the next section mentioned. C. S. C. c. 66, s. 11 (5).

2. The deposit of a map or plan and book of reference, <sup>Deposit, &c., to be general notice.</sup> and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Railway and works. C. S. C. c. 66, s. 11 (6).

20. A notice shall be served upon the party which shall con- <sup>Notice to opposite party.</sup>tain:

(a.) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them);

(b.) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

(c.) The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for Ontario, disinterested in the matter, and not being the Arbitrator named in the notice:

(1.) That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the Railway, or is within the limits of deviation hereby allowed;

(2.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(3.) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid. C. S. C. c. 66, s. 11 (7).

If the party is absent or unknown.

2. If the opposite party is absent from the District or County in which the lands lie, or is unknown, then, upon application to a Judge of the County Court, accompanied by such Certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said District or County. C. S. C. c. 66, s. 11 (8).

Provision when the County Judge is interested in lands required for any Railway.

3. Wherever any Judge of a County Court is interested in lands taken or required, within the County in which he is such Judge, by any Railway Company, for Railway purposes, any Judge of any of the Superior Courts shall, on application of such Company, exercise in such case all the powers given to such Judge of a County Court by the provisions of this section of this Act, in cases in which he, such Judge of a County Court, is not interested. 23 V. c. 29, s. 10; 24 V. c. 17, s. 3.

Party not accepting the Company's offer, and not appointing an arbitrator.

4. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a sworn Surveyor for Ontario, to be sole Arbitrator for determining the compensation to be paid as aforesaid. C. S. C. c. 66, s. 11 (9).

Appointment of arbitrators by opposite party.

5. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot

agree upon a third, then the Judge shall, on the application of the party or of the Company (previous notice of at least one clear day having been given to the other party), appoint a third Arbitrator. C. S. C. c. 66, s. 11 (10). Third Arbitrator.

6. The Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required. C. S. C. c. 66, s. 11 (11). Duties of Arbitrators.  
38 V. c. 15, s. 4.

7. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid. C. S. C. c. 66, s. 11 (12). Costs how paid.

8. The Arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the Railway will pass by reason of the passage of the Railway through or over the same, or by reason of the construction of the Railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of, or using the said lands or grounds as aforesaid. 35 V. c. 25, s. 5. Arbitrators consider increased value of remaining lands.

9. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation. C. S. C. c. 66, s. 11 (13) *part*. Arbitrators may examine on oath.

10. Any party to an arbitration under this Act, or "The Railway Act, 1868," may, without leave or order, obtain and issue out of any one of the Superior Courts upon *præcipe*, setting forth the names of the witnesses to be subpoenaed, the names of the Arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before Parties to arbitrations under this Act or under 31 V. c. 68 (D) may obtain subpoena.

Disobedience  
thereto to be  
contempt of  
Court.

the Arbitrator or Arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of Court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued out of such Court in a civil case. 38 V. c. 15, s. 1.

Fees and con-  
duct money.

11. The same fees shall be payable for such subpoenas as in the case of subpoenas issued out of such Superior Court in civil cases, and the witnesses shall be entitled to the like conduct money. 38 V. c. 15, s. 2.

Depositions to  
be in writing  
and filed with  
Clerk of  
Records and  
Writs, with  
exhibits, &c.

12. The depositions of witnesses examined before such Arbitrators shall be taken down in writing, and shall forthwith after the making of their award, together with the exhibits referred to therein, and all other papers connected with the reference except the award, be delivered, or by registered letter transmitted by the Arbitrators to the Clerk of Records and Writs of the Court of Chancery, with appropriate stamps, and shall be filed by such Clerk with the records of the Court. 38 V. c. 15, s. 3.

Time within  
which award  
must be made.

13. The Judge by whom any third Arbitrator or sole Arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shown, on the application of such sole Arbitrator, or of one of the Arbitrators, after one clear day's notice to the others), then the sum offered by the Company as aforesaid shall be the compensation to be paid by them. C.S.C. c. 66, s. 11 (14).

Arbitrator  
lying, &c.

14. If the Arbitrator appointed by such Judge, or if any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the Arbitrator appointed by the Judge, upon the application of either party, such Judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and the Company and party respectively may each appoint an Arbitrator in the place of his Arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. C. S. C. c. 66, s. 11 (15).

Company may  
desist paying  
costs.

15. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. C. S. C. c. 66, s. 11<sub>a</sub> (16).

Arbitrators  
not disquali-

16. The Surveyor or other person offered or appointed as Valuator or as Arbitrator shall not be disqualified by



reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge. C. S. C. c. 66, s. 11 (17).

fied unless  
personally  
interested

17. No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator. C. S. C. c. 66, s. 11 (18).

No objection  
admissible  
after a third  
Arbitrator  
has been  
appointed.

How validity  
of objections  
to arbitrator  
determined.

18. No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation: nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award. C. S. C. c. 66, s. 11 (19).

Awards not  
avoided for  
want of form.

19. Any party to such arbitration may, within one month after receiving a written notice from one of the Arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of any of the Superior Courts of Law or Equity, and upon the hearing of such appeal such Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction. 38 V. c. 15, s. 4.

Parties to ar-  
bitration may  
appeal to  
Judges of Su-  
perior Courts.

20. Upon any such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the Judge of the County Court under "*The County Courts Act*," subject to any General Rules or Orders (to be from time to time made by the Judges of such Superior Courts, in the same manner as they are authorized to make other General Rules and Orders respecting practice and procedure) altering and regulating such practice and proceedings. 38 V. c. 15, s. 5; 40 V. c. 7, *Sched. A.* (143).

Practice and  
proceedings  
upon appeal.  
Rev.Stat. c.43.

21. The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards. 38 V. c. 15, s. 6.

Existing prac-  
tice as to set-  
ting aside  
award con-  
tinued.

Possession  
may be taken  
on payment or  
tender, &c., of  
sum awarded.

22. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the District or County, or to a Bailiff, as he may deem most suitable, to put the said Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do. C. S. C. c. 66, s. 11 (20).

When warrant  
of possession  
may issue  
before award.

23. Such warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said Railway with which the said Company are ready forthwith to proceed; and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company. C. S. C. c. 66, s. 11 (21).

Security being  
first given to  
deposit com-  
pensation.

When com-  
pensation to  
stand in the  
place of the  
land.

24. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party. C. S. C. c. 66, s. 11 (22).

As to incum-  
brances, &c.,  
upon lands,  
&c., purchased  
or taken.

25. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the office of any of the Superior Courts, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned. C. S. C. c. 66, s. 11 (23).

26. A notice, in such form and for such time as the said Court appoints, shall be inserted in some newspaper if there is any, published in the County in which the lands are situate, and in the City of Toronto, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the Special Act and to law, appertain. C. S. C. c. 66, s. 11 (24).

What notice to be published.

27. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party as the Court deems it equitable to order. C. S. C. c. 66, s. 11 (25).

By whom costs be paid.

28. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right. C. S. C. c. 66, s. 11 (26).

When interest to be returned to, or paid by the Company.

#### HIGHWAYS AND BRIDGES.

21. The Highways and Bridges shall be regulated as follows:

1. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Railway not to be carried along any highway without leave from municipal authorities.

2. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid.

Railway not to rise more than one inch above level of highways when crossing the same.

Height and breadth of bridge over highways.

3. The space of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet.

Ascent of bridges.

4. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Precautions when Railway crosses a highway.

5. Signboards stretching across the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding forty dollars shall be incurred. C. S. C. c. 66, s. 12.

#### FENCES.

Fences to be erected on each side of Railway.

22. Fences shall be erected and maintained on each side of the Railway, of the height and strength of an ordinary division fence, with openings, or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the Railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway. C. S. C. c. 66, s. 13.

Meaning of certain words.

2. The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by Railways who had received compensation from the Railway Companies, for having omitted the erection of such gates before the tenth of June, one thousand eight hundred and forty-seven, nor shall it in any way affect or apply to any Railway constructed or in part constructed, on the tenth of June, one thousand eight hundred and forty-seven, but the same shall apply only to Railways constructed or commenced after that day. C. S. C. c. 66, s. 14.

Liability of Company until cattle guards erected.

13. Until such fences and cattle guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway. C. S. C. c. 66, s. 15.



4. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done. C. S. C. c. 66, s. 16. When to be exempted.

5. If any person rides, leads or drives any horse or other animal upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby. C. S. C. c. 66, s. 17. Persons prohibited going on the track, &c., with cattle, &c.

6. No person other than those connected with, or employed by, the Railway, shall walk along the track thereof, except where the same is laid across or along a highway. C. S. C. c. 66, s. 18. Or walking thereon.

7. Within six months after any lands have been taken for the use of the Railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the Company shall, at their own costs and charges, set and make on the lands so taken, and from time to time maintain, support and keep in repair, a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, and thereby divide and separate and keep constantly divided and separated such lands from the lands or grounds adjoining thereto. C. S. C. c. 66, s. 19. Dividing and separating of lands for Railway from neighbouring lands.

## TOLLS.

**23.** Tolls shall be from time to time fixed and regulated by the by-laws of the Company, or by the Directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the by-laws direct. C. S. C. c. 66, s. 20. Tolls to be fixed by by-laws or otherwise.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof. C. S. C. c. 66, s. 21. How payment of tolls enforced.

3. If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. C. S. C. c. 66, s. 22. When if tolls not paid, goods distrained may be sold.

When goods  
distrained or  
detained may  
be sold.

4. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto. C. S. C. c. 66, s. 23.

How balance  
to be disposed  
of.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, until claimed by the party entitled thereto. C. S. C. c. 66, s. 24

Tolls--how  
raised -or re-  
duced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls. C. S. C. c. 66, s. 25.

Fraction of a  
mile -how  
considered in  
charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton. C. S. C. c. 66, s. 26.

Fraction of a  
ton.

Table of tolls  
to be stuck up  
in offices and  
cars.

8. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing. C. S. C. c. 66, s. 27.

Tolls to be ap-  
proved of by  
the Lieut.-  
Governor.

9. No tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof. C. S. C. c. 66, s. 28.

The Lieut.-  
Governor may  
revise by-laws  
fixing tolls.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in

Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked. C. S. C. c. 66, s. 29.

11. The Legislature may from time to time reduce the tolls upon the Railway, but not without the consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Commissioner of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last past, is found to have exceeded fifteen per cent. upon the capital so actually expended. C. S. C. c. 66, s. 118.

When the Legislature may reduce tolls on Railways.

12. The by-laws of every Railway Company heretofore or hereafter incorporated regulating the tolls to be taken on such road, in the Special Act respecting which a provision has been inserted that such Railway should be subject to the provisions of any General Act relating to Railways, shall be subject to the approval of the Lieutenant-Governor in Council, and no by-law of any Railway Company in this Province by which any tolls are to be imposed or altered, or by which any party other than the members, officers and servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Lieutenant-Governor in Council. C. S. C. c. 66, s. 151.

By-laws imposing Tolls to be approved by the Lieut.-Governor in Council.

#### GENERAL MEETINGS.

24. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and may elect Directors in the manner provided by section twenty-six. C. S. C. c. 66, s. 30.

Shareholders may hold general meeting

25. The method of calling general meetings, and the time and place of the first meeting of shareholders for the appointment of Directors, shall be determined and settled in the Special Act. C. S. C. c. 66, s. 35.

Calling of meetings, &c.

#### PRESIDENT AND DIRECTORS.

26. A Board of Directors of the undertaking, to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act; and if such election is not held on the day so appointed, the Directors shall notify and cause such election to be held within thirty days after the day appointed. C. S. C. c. 66, s. 31.

Board of Directors.

Who entitled  
to vote.

2. On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held. C. S. C. c. 66, s. 32.

Vacancies how  
to be filled up.

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws. C. S. C. c. 66, s. 33.

Who qualified  
to be a Direc-  
tor.

4. No person shall be a Director unless he is a shareholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he is chosen. C. S. C. c. 66, s. 34.

Votes to be in  
proportion to  
shares.

5. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by the Special Act. C. S. C. c. 66, s. 36.

Shareholders  
may vote by  
proxy.

6. All shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit, provided such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say :

I, \_\_\_\_\_, of \_\_\_\_\_, one of the Shareholders of the \_\_\_\_\_, do hereby appoint \_\_\_\_\_, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the Shareholders of the said Company, or any of them, in such manner as he the said \_\_\_\_\_ thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of \_\_\_\_\_, in the year \_\_\_\_\_

C. S. C. c. 66, s. 37.

Votes by  
proxy to be  
valid.

7. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company. C. S. C. c. 66, s. 38.

Term of office  
of Directors.

8. The Directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of Directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose Directors for the ensuing year, and generally to transact the business of the Company. C. S. C. c. 66, s. 39.



9. In case of the death, absence or resignation of any of the Directors, others may be appointed in their stead by the surviving Directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors. C. S. C. c. 66, s. 40. Vacancies how supplied.

10. The Directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting, elect one of their number to be the President of the Company, who shall always, when present, be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he ceases to be a Director, or until another President has been elected in his stead; and they may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President. C. S. C. c. 66, s. 41. President.  
Vice-President.

11. The Directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in the Directors. C. S. C. c. 66, s. 42. Quorum.

12. The act of a majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors. C. S. C. c. 66, s. 43. Acts of majority to bind the whole.

13. No Director shall have more than one vote at any meeting except the Chairman, who shall, in case of a division of equal numbers, have the casting vote. C. S. C. c. 66, s. 44. Casting vote.

14. The Directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act. C. S. C. c. 66, s. 45. Directors to be subject to shareholders and by-laws.

15. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a Director, or of holding the office of Director, nor shall any person being a Director of the Company enter into or be directly or indirectly, for his own use and benefit, interested in any contract with the Company, not relating to the purchase of land necessary for the Railway, or be or become a partner of any contractor with the Company; and in the event of any such contract made since the thirtieth of June, one thousand eight hundred and fifty-eight, or made after this Act takes effect, by or on behalf of any Director, an action shall lie in any Court of Common Law or other Court of competent jurisdiction against such Director, at the suit of any shareholder of the Company, for the benefit of the funds thereof, for the whole amount of profit accruing Officers of Company not to be Directors.

to such Director from the contract so made or fulfilled. C. S. C. c. 66, s. 46, *part*.

By-laws for  
management  
of stock, &c.

16. The Directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties. C. S. C. c. 66, s. 47.

May appoint  
officers.

17. The Directors shall from time to time appoint such Officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the Manager and Officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the Directors think proper. C. S. C. c. 66, s. 68.

Vice-President  
to act in the  
absence of the  
President.

18. In case of the absence or illness of the President, the Vice-President shall have all the rights and powers of the President, and may sign all notes, bills, debentures, and other instruments, and perform all acts which by the regulations and by-laws of the Company or by the Acts incorporating the Company are required to be signed, performed and done by the President. C. S. C. c. 66, s. 69.

Absence of  
President may  
be entered in  
the minutes,  
and certified,  
&c.

19. The Directors may at any meeting require the Secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the Secretary shall be delivered to any person or persons requiring the same on payment to the Treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in Courts of Justice or otherwise. C. S. C. c. 66, s. 70.

Directors to  
cause annual  
accounts to be  
kept.

20. The Directors shall cause to be kept, and annually on the thirty-first day of December shall cause to be made up and balanced, a true, exact and particular account of the money collected and received by the Company, or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the Directors. C. S. C. c. 66, s. 62.

#### CALLS

Calls.

27. The Directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them,

as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act. C. S. C. c. 66, s. 48.

2. All notices of meetings or of calls upon the shareholders of the Company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices. C. S. C. c. 66, s. 49. Notice of meetings, how published.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the Directors. C. S. C. c. 66, s. 50. Payment of calls how to be made.

4. If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment. C. S. C. c. 66, s. 51. Interest to be chargeable on unpaid calls.

5. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same, in any Court of Law or Equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable. C. S. C. c. 66, s. 52. Amount of call may be recovered by suit.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the Company by virtue of the Special Act. C. S. C. c. 66, s. 53. What formalities necessary in actions for calls.

7. The certificate of proprietorship of any share shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified. C. S. C. c. 66, s. 54. Certificate of proprietorship prima facie evidence.

8. But the want of such certificate shall not prevent the holder of any share from disposing thereof. C. S. C. c. 66, s. 55. Want of certificate not to prevent disposing of shares.

9. Any persons neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months Penalty for refusal to pay calls.

after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the Company for the benefit thereof. C. S. C. c. 66, s. 56.

Forfeiture of share to be taken advantage of only at a general meeting.

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the Company, assembled at any time after such forfeiture incurred. C. S. C. c. 66, s. 57.

Effect of forfeiture as to liabilities.

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking. C. S. C. c. 66, s. 58.

Directors may sell forfeited shares by auction.

12. The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company. C. S. C. c. 66, s. 59.

Certificate of Treasurer to be evidence of forfeiture and of title.

13. A certificate of the Treasurer of the Company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold. C. S. C. c. 66, s. 60.

Interest may be allowed to shareholders paying money in advance on their shares.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the capital subscribed. C. S. C. c. 66, s. 61.



## DIVIDENDS.

**28.** At the general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise. C. S. C. c. 66, s. 63. Declaration of dividend.

**2.** Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the Company, as such meeting thinks fit to appoint or determine. C. S. C. c. 66, s. 64. At so much per share.

**3.** No dividend shall be made whereby the capital of the Company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. C. S. C. c. 66, s. 65. Dividends not to impair the capital.

**4.** The Directors may, in their discretion, until the Railway is completed and opened to the public, pay interest at any rate authorized by the laws of Canada but not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose. C. S. C. c. 66, s. 66. Directors may pay interest on sums called up in respect of shares.

**5.** No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such share or any other share to be holden by the same shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed. C. S. C. c. 66, s. 67. No interest on shares in arrear.

## SHARES AND THEIR TRANSFER.

**29.** Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the Directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered. C. S. C. c. 66, s. 71. Shareholders may dispose of shares.

**2.** Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require: Form of sale.

I, A. B., in consideration of the sum of \_\_\_\_\_ paid to me by C. D., hereby do sell and transfer to him \_\_\_\_\_ share (or shares) of the stock of the \_\_\_\_\_, to hold to him the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the

same immediately before the execution thereof. And I the said C. D. do hereby agree to accept the said share (or shares) subject to the same rules, orders and conditions.

Witness our hands this day of  
in the year 18 .

C. S. C. c. 66, s. 72.

Shares to be  
personal estate  
—transfer of.

3. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid. C. S. C. c. 66, s. 73.

Transmission  
of shares other  
than by trans-  
fer, provided  
for.

4. If any share in the Company is transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, or to vote in respect of any such share as the holder thereof. C. S. C. c. 66, s. 74.

Company not  
bound to see to  
execution of  
trusts.

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts. C. S. C. c. 66, s. 108.

Stock may be  
increased.

6. The original capital stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting of them expressly called by the Directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceed-

ings and thereupon, the capital stock may be increased to the amount sanctioned by such a vote. C. S. C. c. 66, s. 81.

7. The funds of the Company shall not be employed in the purchase of any stock in their own or in any other Company. C. S. C. c. 66, s. 82.

Company not to take stock in other companies.

#### SHAREHOLDERS.

30. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the Company, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. C. S. C. c. 66, s. 80.

Shareholders individually liable till shares paid up.

2. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the Company and of the Directors for the time being. C. S. C. c. 66, s. 112.

Account of names and residence of shareholders to be kept.

#### MUNICIPALITIES TAKING STOCK.

31. Municipal Corporations in this Province may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any corporation or person, or endorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and may assess and levy from time to time upon the whole rateable property of the Municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest, as such Municipal Corporation thinks meet. C. S. C. c. 66, s. 75.

Municipal Corporations may take stock.

2. Any such debenture issued, endorsed or guaranteed, shall be valid, and binding upon the Municipal Corporation, if signed or endorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the Corporation, and the seal of the Corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law. C. S. C. c. 66, s. 76.

Debentures issued by them to be binding.

Not to  
subscribe for  
stock unless  
by-laws are  
made for that  
purpose.

Rev. Stat.  
c. 174.

3. No Municipal Corporation shall subscribe for stock or incur any debt or liability under this Act or the Special Act, unless and until a by-law to that effect has been duly made, and adopted, with the consent first had of a majority of the qualified electors of the Municipality, to be ascertained in the manner provided by "*The Municipal Act*," after public advertisement thereof containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest City or Town thereto and circulated therein, and also put up in at least four of the most public places in each Municipality. C. S. C. c. 66, s. 77; 36 V. c. 48, s. 471 (5). See also *Rev. Stat.* c. 174, s. 559.

Mayor, &c., to  
be *ex-officio* a  
Director in  
certain cases.

4. The Mayor, Warden or Reeve, or other chief officer of such Municipal Corporation subscribing for and holding stock in the Company to the amount of twenty thousand dollars, or upwards, shall be *ex-officio* one of the Directors of the Company, in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers and duties as any of the Directors of the Company. C. S. C. c. 66, s. 78. See also *Rev. Stat.* c. 174, s. 560.

Mayor, &c.,  
not to vote for  
Directors of  
Companies in  
incorporated be-  
fore 14th June,  
1853.

5. No such Mayor, Warden, Reeve or other chief officer or other person representing any Municipality having or taking stock in any Railway Company shall, directly or indirectly, vote on the election or appointment of the private Directors of any Railway Company incorporated previous to or during the Session held in the sixteenth year of Her Majesty's reign, unless the Special Act of Incorporation of such Company expressly provides therefor. C. S. C. c. 66, s. 79.

#### BY-LAWS—NOTICES, &c.

By-laws to be  
put into writ-  
ing and signed  
by Chairman.

32. All by-laws, rules and orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of the same or of any of them, certified as correct by the President or Secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof. C. S. C. c. 66, s. 91.

By-laws to be  
submitted to  
Lieut-Gov-  
ernor.

2. All such by-laws, rules and orders shall be submitted from time to time to the Lieutenant-Governor for approval. C. S. C. c. 66, s. 92.



3. Copies of the minutes of proceedings and resolutions of the shareholders of the Company, at any general or special meeting, and of the minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such minute-books, shall be *prima facie* evidence of such proceedings and resolutions in all Courts of civil jurisdiction. C. S. C. c. 66, s. 93.

Copies of minutes to be *prima facie* evidence.

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company. C. S. C. c. 66, s. 94.

Notices by Secretary, valid.

#### WORKING OF THE RAILWAY.

**33.** Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property. C. S. C. c. 66, s. 95.

Servants to wear badges.

2. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other Railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the trains. C. S. C. c. 66, s. 96.

Trains to start at regular hours.

3. Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. C. S. C. c. 66, s. 97.

Passengers and goods to be carried on payment of fare or freight.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company, from which action the Company shall not be relieved by any notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the Company or of its servants. C. S. C. c. 66, s. 98; 39 V. c. 21, s. 1.

The Company liable for neglect or refusal.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. C. S. C. c. 66, s. 99.

Checks to be fixed on parcels.

6. If such check is refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be re-

Penalty for refusing to give checks.

covered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train. C. S. C. c. 66, s. 100.

Baggage cars  
not to be in  
rear of passen-  
ger cars.

7. The baggage, freight, merchandize or lumber cars shall not be placed in rear of the passenger cars, and no officer or agent shall direct or knowingly suffer such arrangement. C. S. C. c. 66, s. 102.

[Section 102 of C. S. C. c. 66, adds :—

And if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor and be punished accordingly.]

Locomotives  
to have bells or  
steam  
whistles.

8. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, or with a steam whistle. C. S. C. c. 66, s. 103.

To be rung or  
sounded at  
every crossing,  
&c.

9. The bell shall be rung, or the whistle sounded at the distance at least of eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the Company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid. C. S. C. c. 66, s. 104.

[C. S. U. C. c. 66, s. 105, is as follows :—

Intoxication of  
Conductor,  
&c., a misde-  
meanor.

105. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who is intoxicated, shall be deemed guilty of a misdemeanor. 14, 15 V. c. 51, s. 21.]

Passenger re-  
fusing to pay  
fare may be  
put out.

10. Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train, and the servants of the Company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. C. S. C. c. 66, s. 106.

Passengers to  
have no claim  
if injured when  
on platform of  
cars, &c.

11. Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. C. S. C. c. 66, s. 107.

12. No person shall be entitled to carry or to require the Company to carry upon their Railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the Company, are of a dangerous nature; and if any person sends by the said Railway any such goods without, at the time of so sending the said goods distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars, for every such offence. C. S. C. c. 66, s. 119.

As to goods of a dangerous nature.

13. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. C. S. C. c. 66, s. 120.

Dangerous goods may be refused.

#### ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

34. All suits for indemnity for any damage or injury sustained by reason of the Railway, shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act. C. S. C. c. 66, s. 83.

Limitation of actions for damages.

2. All fines and forfeitures imposed by this Act or the Special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such Justice or Justices. C. S. C. c. 66, s. 86.

Fines how recovered.

3. All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. C. S. C. c. 66, s. 87.

How applicable.

When party  
may be com-  
mitted.

4. In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the County or District in which he has been convicted, there to remain without bail or main-prize, for such term, not exceeding one month, as the Justice or Justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. C. S. C. c. 66, s. 88.

Punishment  
for contraven-  
tion of this  
Act, &c., not  
to exempt  
Company from  
forfeiture.

**35.** No punishment for a contravention of this Act or of the Special Act, by the Company shall exempt the Company from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. C. S. C., 66, s. 90.

#### GENERAL PROVISIONS.

Provision as to  
the carriage of  
Her Majesty's  
mail, &c.

**36.** Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council as the case requires. C. S. C. c. 66, s. 109.

Government  
to have exclu-  
sive use of  
telegraph.

2. The Governor-General or Lieutenant-Governor, as the case may be or any person thereunto authorized by them, may require the Company to place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. C. S. C. c. 66, s. 110.

Further enact-  
ments may be  
made.

**3.** Any further enactments which the Parliament of Canada or the Legislature of this Province may make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act. C. S. C. c. 66, s. 111.

Tenders must  
be advertised  
for.

4. No contracts for works of construction or maintenance of Railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor,



given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no Company shall be compelled to accept any such tender. C. S. C. c. 66, s. 46, *part*.

5. If the construction of the Railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease. C. S. C. c. 66, s. 117. Ten per cent. to be paid within three years from passing of Special Act.

6. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the President, or in his absence of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. C. S. C. c. 66, s. 115; 37 V. c. 36, s. 2. Account to be transmitted to the Provincial Secretary.

7. No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company. C. S. C. c. 66, s. 116. Variation in form or details may be made.

8. The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred. C. S. C. c. 66, s. 124. And may dissolve any Corporation formed under this Act.

9. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. C. S. C. c. 66, s. 125. Saving of Her Majesty's rights, &c.

10. No amendment or alteration in this Act shall be held to be an infringement of the rights of any Company authorized to construct a Railway by any Act passed on or since the thirtieth of August, 1851, or by any Act with which this Act is or may be incorporated. C. S. C. c. 66, s. 126.

## PART SECOND.

## APPLICATION OF SECTIONS.

Interpretation.

**37.** Unless otherwise provided, the following sections and the fourth sub-section of section thirty-three: shall apply to every Railway subject to the legislative authority of the Legislature of this Province, made or to be made in this Province. C. S. C. c. 66, ss. 127 & 132. *See also* 23 V. c. 29, s. 11; 24 V. c. 17, s. 7; 39 V. c. 21, s. 2.

What the words "Railway Company" shall include.

**38.** In the construction of the forty-third to sixty-eighth sections inclusive, the seventy-ninth, the eighty-seventh to ninety-eighth sections inclusive of this Act, the expression "Railway Company" shall include any person being the owner or lessee of or contractor working any Railway subject to the legislative authority of the Legislature of this Province and constructed or carried on under the powers of an Act of the Parliament of the late Province of Canada or Upper Canada or of the Legislature of this Province. C. S. C. c. 66, s. 192.

## PROCEEDINGS WHERE ADDITIONAL SPACE REQUIRED.

Proceeding where more space is required for the accommodation of the traffic at any station or place.

**39.** Wherever any Railway Company which has been heretofore or is hereafter incorporated by, or which is subject to the authority of the Legislature of Ontario requires at any station or place on the line of such Railway, more ample space for the convenient accommodation of the public and of the traffic on the Railway than they then possess, or can take without the consent of the proprietors thereof, the Company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other Railway Company (and for the purpose of making such plan shall have the powers granted to Railway Companies for making surveys by the ninth section of this Act), and may transmit such plan to the Commissioner of Public Works, with an application (supported by affidavit) on behalf of the Company, referring to such plan and stating that certain ground shown thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the Company, and by their Engineer; and such plan and statement shall be made and transmitted to the Commissioner in duplicate. 35 V. c. 25, ss. 1 & 6.

**40.** The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shown on such plan, or any less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Commissioner. 35 V. c. 25, s. 2

Certificate of Commissioner of Public Works required.

**41.** Upon the granting of such certificate as aforesaid by the Commissioner of Public Works, and by virtue thereof, the Company shall have power to take the ground shown on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the Company and all corporations or parties who could not otherwise convey the same to the Company, shall have, with respect to any such ground, all the powers granted by the thirteenth to twentieth sections inclusive of this Act, to Railway Companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said sections, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Commissioner of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the Company do not require the whole or any portion of the land acquired under this Act for Railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper. 35 V. c. 25, s. 3.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary.

Sale of land taken and not afterwards required.

**42.** Any such certificate as aforesaid, purporting to be signed by the said Commissioner, shall be received as authentic in all Courts of Law or Equity, without proof of such signature or other evidence, unless its authenticity is called in question on behalf of the Crown. 35 V. c. 25, s. 4.

Proof of certificate.

#### INSPECTION OF RAILWAYS.

**43.** The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all Railways constructed or in course of construction, and every person so authorized may at all reasonable times, upon producing his authority if required, enter upon and examine the said Railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. C. S. C. c. 66, s. 180.

Railway Inspectors.

Duties of.

Railway not to be open till after one month's notice of intention to open the same.

**44.** No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the Railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the said Company to the said Commissioner, of the time when the said Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. C. S. C. c. 66, s. 165; 37 V. c. 36, s. 1.

Penalty for contravention.

**45.** If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired. C. S. C. c. 66, s. 166.

Commissioner of Public Works, upon report of Inspectors and approval of Lieutenant-Governor in Council, may order postponement of opening of road.

**46.** If the Railway Inspector or Inspectors, after inspection of any Railway, report in writing to the Commissioner of Public Works that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as such Inspector or Inspectors after further inspection thereof so report, may order and direct the Company to whom the Railway belongs to postpone such opening for a period not exceeding one month at any one time, until it appears to the said Commissioner that such opening may take place without danger to the public. C. S. C. c. 66, s. 167; 37 V. c. 36, s. 1.

Penalty for opening contrary to the order of the Commissioner.

**47.** If any such Railway, or any portion thereof, is opened contrary to such order or direction of the said Commissioner, the Company to whom the Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. C. S. C. c. 66, s. 168; 37 V. c. 36, s. 1.

When only such order to be binding on the Company.

**48.** No such order shall be binding upon any Railway Company unless therewith is delivered to the Company a copy of the report of the Inspector or Inspectors on which the order is founded. C. S. C. c. 66, s. 169.

When any railway bridge condemned by Commissioner and Inspectors, what to be done.

**49.** When any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of any Railway constructed or in course of construction, or any locomotive, car or carriage used or for use on any Railway, has been condemned on the report of an Inspector or Inspectors, by the Commissioner of Public Works, with the approval of the Lieutenant-



Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the said Commissioner, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. C. S. C. c. 66, s. 185; 37 V. c. 36, s. 1.

**50.** If, in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular Railway, or any portion of a Railway, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said Inspector may forthwith forbid the running of any train or vehicle over any such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running, or using such Railway, or to any officer having the management or control of the running of trains on such Railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. C. S. C. c. 66, s. 186.

When Inspectors may forbid the running of trains, &c.

**51.** The said Inspector shall forthwith report the same to the said Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby. C. S. C. c. 66, s. 187; 37 V. c. 36, s. 1.

Commissioner may modify report of Inspectors.

**52.** The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number or times or rate of speed of running of trains or vehicles, upon such Railway or portion of Railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the Company owning, running or using such Railway shall comply forthwith with any such order of the said Inspector or of the said Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars. C. S. C. c. 66, s. 188; 37 V. c. 36, s. 1.

When the Commissioner may regulate speed, &c.

Penalty for non-compliance.

**53.** Every Railway Company and the Directors and Officers hereof shall afford to such Inspector or Inspectors every

Companies to afford informa-

tion to the In- information, and full and true explanations, so far as may be in  
spectors. their power or knowledge, on all matters inquired into by  
any such Inspector or Inspectors, and submit to such Inspector  
or Inspectors all plans, specifications, drawings and documents  
relating to the construction or reconstruction, repair or state of  
repair of such Railway or any portion thereof, whether a bridge,  
culvert or other part. C. S. C. c. 66, s. 181.

Inspectors may use telegraph wires; for what purposes. **54.** Any such Inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company, for the purpose of communicating with any of the officers of the said Company, or transmitting any order of any such Inspector relating to such Railway. C. S. C. c. 66, s. 182.

Operators and others to obey orders of Inspectors. **55.** The operators or officers employed in the telegraph offices of or under the control of the said Company, shall, without unnecessary delay, obey all orders of any such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars. C. S. C. c. 66, s. 183.

Authority of Inspectors, how proved. **56.** The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any Railway in particular, signed by the Commissioner of Public Works. C. S. C. c. 66, s. 184; 37 V. c. 36, s. 1.

Lieutenant-Governor may order permanent bridges to be substituted for movable bridges. **57.** The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such Railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw or movable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the consent of the Lieutenant-Governor in Council previously had and obtained. C. S. C. c. 66, s. 140; 37 V. c. 36, s. 1.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level. **58.** In any case where a Railway commenced after the 27th day of May, 1857, is constructed or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the Commissioner directs, to carry such road, street or highway

either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. C. S. C. c. 66, s. 141; 37 V. c. 36, s. 1.

**59.** Wherever any level crossing on any Railway is out of repair, the Warden, Mayor, Reeve or other chief officer of the Municipality within whose jurisdiction such crossing is situate, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of said Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall by mail give notice to such Warden, Mayor, Reeve, or other chief officer, and to the Company, of the day he so fixes; and upon the day so named he shall examine such crossing; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default, the Municipality, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the Company in any Court of competent jurisdiction, as money paid to the Company's use.

Railway may be required to repair any level crossing out of repair.

Inspector's certificate to be conclusive.

2. Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises. 23 V. c. 29, s. 9. Proviso.

**60.** No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for anything done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken

Inspection not to relieve Company from liability.

or diminish the liability or responsibility of any such Company under the existing laws of the Province. C. S. C. c. 66, s. 190.

Company to  
notify orders  
of Commis-  
sioner to its  
officers, &c.

**61.** Every Railway Company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the eighty-first section of this Act. C. S. C. c. 66, s. 156 ; 37 V. c. 36, s. 1.

What to be  
deemed suffi-  
cient notice  
thereof.

**62.** All orders of the said Commissioner shall be considered as made known to the said Railway Company by a notice thereof signed by him, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the said Company, or at the office of the said Company. C. S. C. c. 66, s. 157 ; 37 V. c. 36, s. 1.

Notice of  
accidents to be  
given to the  
Commissioner  
of Public  
Works.

**63.** Every Railway Company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the said Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works ; and if any Company wilfully omits to give such notice, such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. C. S. C. c. 66, s. 189.

Return of ac-  
cidents to be  
made semi-  
annually.

**64.** Every Railway Company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half year next preceding each of the said periods respectively, setting forth :

1. The causes and natures of such accidents and casualties ;
2. The points at which they occurred, and whether by night or by day ;
3. The full extent thereof, and all particulars of the same ; and
4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway. C. S. C. c. 66, s. 174 ; 37 V. c. 36, s. 1.

Form to be ap-  
pointed by the  
Commissioner.

**65.** The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall



be made up, and may order and direct any Railway Company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. C. S. C. c. 66, s. 175; 37 V. c. 36, s. 1.

**66.** If such returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the Company neglects to deliver the same. C. S. C. c. 66, s. 176; 36 V. c. 36, s. 1. Penalty for neglect.

**67.** All such returns shall be privileged communications, and shall not be evidence in any Court, whatsoever. C. S. C. c. 66, s. 177. Such returns to be privileged communications.

#### RAILWAY INSPECTION FUND.

**68.** From the twenty-seventh of May, one thousand eight hundred and fifty-seven, every Railway then or thereafter constructed shall, so soon as any portion thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding ten dollars per mile of Railway constructed and in use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." C. S. C. c. 66, s. 191. Railway Inspection Fund.

#### TRAFFIC ARRANGEMENTS.

**69.** The Directors of any Railway Company may at any time, and from time to time, make and enter into any agreement or arrangement with any other Company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the Railways of the said Companies, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders voting in person or by proxy; but the provisions of this section shall not apply to anything

done before the thirtieth of June, one thousand eight hundred and fifty-eight. C. S. C. c. 66, ss. 131, 132.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

**70.** Every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company for the receiving and forwarding and delivering of traffic upon and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles; and no such Company shall give or continue any preference or advantage to or in favour of any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any such Company subject any particular Company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; And every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such Railways, all the traffic arriving by the other, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several Railway Companies.

Agreements made in contravention of this section, to be void.

2. Any agreement between any two or more Railway Companies contrary to the foregoing provisions, made since the eighteenth day of May, one thousand eight hundred and sixty-one, or after the passing of this Act, shall be unlawful, null and void. 24 V. c. 17, s. 4.

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

**71.** If any officer, servant or agent of any Railway Company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along the Railway from that of any other Company, intersecting or coming near to such first mentioned Railway, or in any way wilfully contravenes the provisions of the next preceding section,—such first mentioned Railway Company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered, with costs, in a summary way, before any Justice of the Peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such Company or other party so aggrieved. 24 V. c. 17, s. 5.

How recoverable and how to be applied.

**72.** For the purposes of the two next preceding sections,—

(1.) "Traffic" shall include not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway;

Interpretation  
of word  
"Traffic,"  
"Railway,"  
"Railway  
Company,"  
etc.

(2.) "Railway" shall include all stations and depots of the Railway;

(3.) "Railway Company" shall include all parties owning, leasing or working any Railway;

and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other. 24 V. c. 17, s 6.

#### APPOINTMENT OF RAILWAY CONSTABLES.

**73.** The Justices of the Peace for any County assembled at any General Sessions of the Peace, on the application of the Board of Directors of any Railway Company whose Railway passes within the local jurisdiction of such Justices of the Peace, on the application of any clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, clerk or agent, to act as constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following—that is to say:

Constables  
may be ap-  
pointed to act  
on the line of  
any Railway,  
and how.

"I, A. B., having been appointed a Constable to act upon and along (here name the Railway), under the provisions of "The Railway Act of Ontario," do swear that I will well and truly serve our Sovereign Lady the Queen, in the said office of Constable, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law: So help me God."

Oath of office.

2. Such oath or declaration shall be administered by any one such Justice. 23 V. c. 29, s. 1, *part*.

By whom to  
be adminis-  
tered.

**74.** Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such Company, whether the same be in the County, City, District or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes, or in which the same terminates, or through or to which any Railway passes which is worked or leased by such Railway

Powers of  
such con-  
stables, and to  
what localities  
they shall ex-  
tend.

Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick. 23 V. c. 29, s. 1, *part*.

Duties of such constables.

**75.** It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such Railway, before any Justice or Justices appointed for any County, City, District or other local jurisdiction within which any such Railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. 23 V. c. 29, s. 1.

Dismissal of any such constable.

**76.** Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any clerk or agent of such Company thereto authorized by such Board, may dismiss any such constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such Railway without the consent of the authority by which he was dismissed. 23 V. c. 29, s. 2.

Record of appointment of such constable to be kept.

**77.** Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace for every County, or other local jurisdiction wherein such Railway or Railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and every such Clerk of the Peace shall keep such record in a book to be open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council from time to time authorizes, and in such form as the Lieutenant-Governor in Council from time to time directs. 23 V. c. 29, s. 3.

Fees.

Punishment of constables guilty of neglect of duty.

**78.** Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any County, City, District or other local jurisdiction wherein such Railway passes, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the Railway



Company, or to imprisonment, with or without hard labour, for not more than two months, in the Gaol of such County, City, District or other local jurisdiction. 23 V. c. 29, s. 4.

[Section 5 of 23 V. c. 29, enacts as follows:—

5. Every person who shall assault or resist any constable appointed as aforesaid, in the execution of his duty, or who shall incite any person so to assault or resist, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months, in such gaol as aforesaid.] And of persons resisting them.

#### GENERAL PROVISIONS.

79. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers, and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in such trains on the Railway of the Company, as are requisite for ensuring the employment and proper use of the aforesaid means of communication, application and disconnection. C. S. C. c. 66, s. 172. Companies to make by-laws for regulation of conductors and other officers, &c.

80. Any Railway Company may by a by-law impose upon any officer, servant, or person who before the contravention of such by-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. C. S. C. c. 66, s. 162. Company may impose penalties for contravention of by-laws.

81. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. C. S. C. c. 66, s. 163; 37 V. c. 36, s. 1. How notice of by-laws or orders may be proved.

82. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery from it of the amount so retained, and such forfeiture shall be over and above any penalty under the sections numbered one hundred and fifty-eight to one hundred and sixty-one of chapter sixty-six of the Consolidated Statutes of Canada. C. S. C. c. 66, s. 164. When such proof, &c., to be a defence for the Company.  
C. S. C. c. 66, ss. 158-161.

83. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried. C. S. C. c. 66, s. 136. Not to impede navigation.

Railways  
crossing rivers,  
&c., regulated.

**84.** If the Railway is carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Lieutenant-Governor in Council from time to time makes. C. S. C. c. 66, s. 137. 37 V. c. 36, s. 1.

Plans to be  
submitted to  
the Lieuten-  
ant-Governor  
in Council.

**85.** It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved; and no deviation from such approved site and plan shall be made without his consent. C. S. C. c. 66, s. 138. 37 V. c. 36, s. 1.

Exception  
where special  
powers given  
by the Special  
Act.

**86.** Nothing contained in the three last preceding sections, shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of incorporation or any Special Act amending the same. C. S. C. c. 66, s. 139.

When a Rail-  
way passes  
over a swing  
bridge, &c.,  
train to stop for  
three minutes.

**87.** In all cases where a Railway passes any draw or swing bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railway Company shall be subject to a fine or penalty of four hundred dollars. C. S. C. c. 66, s. 170.

Company to  
use the best  
apparatus for  
communica-  
tion between  
conductors and  
engine-drivers,  
and for stop-  
ping or discon-  
necting cars,  
fixing seats in  
cars, &c.

**88.** Every Railway Company which runs trains upon the Railway, for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the truck-wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs

in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Commissioner of Public Works, with the sanction of the Lieutenant-Governor in Council, may order. C. S. C. c. 66, s. 171. 37 V. c. 36, s. 1.

**89.** Every Railway Company which fails to comply with any of the provisions contained in the last preceding section of this Act shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues. C. S. C. c. 66, s. 173.

Penalty for not complying with section 88.

**90.** Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. C. S. C. c. 66, s. 142.

Further precautions at level crossings.

**91.** Every locomotive or Railway engine or train of cars, on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of three minutes. C. S. C. c. 66, s. 143.

Further precautions when one Railway crosses another on a level ;

**92.** No locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced. C. S. C. c. 66, s. 144.

Or runs through a city, town, &c.

**93.** Whenever any train of cars is moving reversely in any City, Town or Village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train, under a penalty of one hundred dollars for any contravention of the above provisions. C. S. C. c. 66, s. 145.

Or moves reversely.

**94.** If the Commissioner of Public Works orders any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. C. S. C. c. 66, s. 146 ; 37 V. c. 36, s. 1.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

**95.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within a half mile of

No cattle to be allowed to be at large on any

highway with-  
in half a mile  
of any Rail-  
way.

the intersection of such highway with any Railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection. C. S. C. c. 66, s. 147.

Such cattle  
may be im-  
pounded.

**96.** All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. C. S. C. c. 66, s. 148.

If killed, owner  
not entitled to  
any action.

**97.** No person, any of whose cattle being at large, contrary to the provisions of the section aforesaid, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed. C. S. C. c. 66, s. 149.

Crossings to be  
fenced.

**98.** At every road and farm crossing on the grade of the Railways in this Province, the crossing shall be sufficiently fenced on both sides of such points, so as to allow the safe passage of the trains. C. S. C. c. 66, s. 150.

Ground ad-  
joining any  
Railway and  
belonging to  
the Company  
to be laid down  
with grass and  
cleared of  
weeds, &c.

**99.** Every Railway Company, whether any of the clauses or provisions of this Act are or are not incorporated with the Act incorporating such Company, shall cause all cleared land or ground adjoining their Railway and belonging to such Company to be sown or laid down with grass or turf, and cause the same so far as may be in their power to be covered with grass or turf, if not already so covered, and cause all thistles and other noxious weeds growing on such land or ground, to be cut down and kept constantly cut down or to be rooted out of the same. C. S. C. c. 66, s. 134.

Consequences  
of omitting to  
do so.

**100.** If any Railway Company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve or chief officer of the Municipality of the Township or County in which the land or ground lies, such Company shall thereby incur a penalty of two dollars to the use of the Municipality for each day during which they neglect to do any thing which they are lawfully required to do by such notice, and the said Mayor, Reeve or chief officer may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and such Municipality may recover the expenses and charges incurred in so doing and the said penalty, with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered. C. S. C. c. 66, s. 135.



INTEREST OR RENT, WHEN TO BE DEEMED WORKING EXPENSES.

**101.** The interest of the purchase money or rent of any real property acquired or leased by any Railway Company and necessary to the efficient working of such Railway, and the price or purchase money of any real property or thing without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Railway, and shall be paid as such out of the earnings of the Railway. *Interest of purchase money or rent of property necessary for working a Railway, to be deemed part of its working expenses.* 24 V. c. 17, s. 8.

PENAL CLAUSES.

[Sections 84 and 85 of C. S. C. c. 66, are as follows:—

**84.** Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the Common Gaol of the District or County, where the conviction takes place or in the Provincial Penitentiary, for a term not to exceed five years. *Penalty on persons obstructing free use of Railway.* 14, 15 V. c. 51, s. 20.

**85.** All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony (as the case may be) are directed to be punished by the laws in force in this Province. *Penalty on persons damaging Railway.* 14, 15 V. c. 51, s. 20.]

[Sections 152–155 of C. S. C. c. 66, are as follows:—

**152.** If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge or fence of any Railroad, or any portion thereof, or places any obstruction whatsoever on any such rail or Railroad track, or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, such person shall be guilty of misdemeanor and punished by imprisonment with hard labour in the Common Gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad actually suffers any bodily harm, or if any property passing over and along such Railroad be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony and shall subject the offender to punishment by imprisonment in the Penitentiary for two years or in any other prison or place of confinement or any period exceeding one year and less two years. *Punishment of persons doing anything to Railway with intent to injure persons or property.* 16 V. c. 169. s. 1. *And if such damage be actually done.*

**153.** If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railroad, or breaks down, rips up, injures *And if any person be killed.*

ed or his life be lost, the offence to be manslaughter.

Punishment.

or destroys any Railroad track or Railroad bridge or fence of any Railroad or any portion thereof, or places any obstruction whatever on any such rail or Railroad track or bridge, or does or causes to be done any act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railroad, and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years. 16 V. c. 169, s. 2.

Committing any injury, stoppage, &c., how punished.

154. If any person wilfully and maliciously does or causes to be done any act whatever whereby any building, fence, construction or work of any Railroad, or any engine, machine or structure of any Railroad, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and shall be punished by imprisonment with hard labour not exceeding one year, in the Common Gaol of the territorial division in which the offence was committed or has been tried. 16 V. c. 169, s. 3.

Punishment of persons obstructing Inspectors in the execution of their duty.

155. Every person wilfully obstructing any Railway Inspector in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual manner. C. S. C. c. 66, s. 155.]

[Section 6 of 23 V. c. 29, is as follows:—

Punishment of persons boring or cutting casks or packages on Railway.

6. Every person who shall bore, pierce, cut, open, or otherwise injure any cask, box or package containing wine, spirits, or other liquors, or any case, box, sack, wrapper, package, or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay, or premises of or belonging to any such Railway Company, with intent feloniously to steal, or otherwise unlawfully to obtain or to injure the contents or any part thereof, or who shall unlawfully drink, or wilfully spill or allow to run to waste any such liquors or any part thereof, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month, in such Gaol as aforesaid.]

[Sections 158–160 of C. S. C. c. 66, are as follows:—

Punishment of officers, &c., contravening by-laws, &c.

158. If any officer or servant of, or person employed by, any Railway Company, wilfully or negligently contravenes any by-law or regulation of the Company lawfully made and in force, or any order or notice of the Board of Railway Commissioners, (a) and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any

(a.) The Commissioner of Public Works now performs the duties of the former Board of Railway Commissioners. See 37 V. c. 36, and Rev. Stat. c. 165, ss. 44 et seq.

property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof, shall, in the discretion of the Court before whom the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for two years or upwards, shall be in the Provincial Penitentiary. 19, 20 V. c. 11, s. 1.

159. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found on the oath of one credible witness other than the informer. 19, 20 V. c. 11, s. 1. Penalty.

160. One moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the informer, unless he be an officer or servant of, or person is the employ of the Company, in which case he shall be a competent witness, and the whole penalty shall belong to her Majesty for the uses aforesaid. 19, 20 V. c. 11, s. 1. Application of

**102.** The Company may in all cases under this Act, or under chapter sixty-six of the Consolidated Statutes of Canada, pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the Company, and recover the same from the offender or deduct it from his salary or pay. C. S. C. c. 66, s. 161. The Company may pay penalty and deduct from wages.

**103.** All penalties incurred under any of the sections of this Act in the thirty-eighth section referred to, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any Court having competent jurisdiction thereover; and all penalties recovered under the other sections of this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund." C. S. C. c. 66, s. 193. How penalties recovered and applied.

## CHAPTER 166.

## An Act respecting Aid to Railways.

The Railway Fund, s. 1.	When payments may be made and mode of payment, ss. 9-13.
The Railway Subsidy Fund, s. 2.	Annuling Order, s. 14.
Payment from such Funds :	The Railway Land Subsidy Fund, ss. 15-21.
From Railway Fund, s. 3.	Aid to certain Railways, ss. 22-24,
From Railway Subsidy Fund, s. 4.	Conditions on which aid granted, s. 22
Proof required, s. 5.	Aid to Railways extending from Muskoka to Canadian Pacific Railway, s. 25.
Railways not to be aided out of both Funds, s. 6.	Mode of Grouping Municipalities in obtaining municipal bonuses, s. 26.
Orders in Council to be submitted to Legislature, s. 7.	
Orders in Council to be published in <i>Gazette</i> , s. 8.	

Preamble.

WHEREAS it has been deemed expedient to give aid towards the construction of Railways leading to or through sections of the country remote from existing thoroughfares, or passing through thinly settled tracts, or leading to the Free Grant Territory, or to the inland waters ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## THE RAILWAY FUND.

" Railway Fund " formed from Consolidated Revenue Fund.

1. Whereas for the purposes in the preamble mentioned the sum of one million nine hundred thousand dollars has heretofore been set apart from and out of the Consolidated Revenue Fund of this Province, to form the fund designated and known as "The Railway Fund," the said Fund shall continue to be so designated and known. See 34 V. c. 2, s. 1 ; 35 V. c. 24, s. 1.

## THE RAILWAY SUBSIDY FUND.

" Railway Subsidy Fund " established.

2. In addition to the sum of One Hundred Thousand dollars set apart yearly, during the years 1872, 1873, 1874, 1875, 1876, and 1877, there shall also be set apart from and out of the Consolidated Revenue Fund of this Province, for the further period of fourteen years, the like sum yearly, the whole to form a Fund



to be designated and known as "The Railway Subsidy Fund." 35 V. c. 24, s. 2.

#### PAYMENTS FROM SUCH FUNDS.

**3.** From and out of such portion of the said Railway Fund as may be unappropriated the Lieutenant-Governor in Council may, by Order in Council, authorize payments to be made from time to time to any incorporated Railway Company of the description mentioned in the preamble of this Act, of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such Railway. 34 V. c. 2, s. 2.

Lieutenant-Governor in Council may grant aid to certain railways.

**4.** From and out of such portion of the said Railway Subsidy Fund as may be unappropriated the Lieutenant-Governor in Council may, by Order in Council, authorize payments to be made from time to time to any such incorporated Railway Company as aforesaid of a sum or sums at the rate of not less than one hundred and twenty dollars, or more than two hundred and forty dollars per mile per annum for twenty years on the portion aided. 35 V. c. 24, ss. 3 & 4.

Lieutenant-Governor in Council may grant aid to certain railways.

**5.** No such authority shall be given in respect of any portion of a Railway for the construction of which portion a contract has been entered into prior to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, nor until the Company desirous of obtaining aid and payment out of the said Funds, has furnished proof, to the satisfaction of the Lieutenant-Governor in Council, that the *bona fide* subscribed capital of the Company, together with any bonuses or loans by Municipal Corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the Company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, will be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for the completion of the Railway; and that any such Act or Acts authorizes the construction of a Railway of the description mentioned in the preamble of this Act. 34 V. c. 2, s. 3; 35 V. c. 24, ss. 3 & 7.

Proof to be furnished by railway asking aid.

**6.** No Railway Company any portion of whose line is aided from the Railway Fund shall be entitled to aid from the Railway Subsidy Fund in respect of such portion. 35 V. c. 24, s. 6.

Railways not to be aided from both Funds.

**7.** Every Order in Council made after the seventh day of December, in the year one thousand eight hundred and seventy-one, or after this Act takes effect, authorizing payment to any Rail-

Orders in Council appropriating Railway Funds to

be submitted  
to the Legis-  
lature.

way Company of any part of the said Funds shall, as soon as conveniently may be after the making of such Order, be laid before the Legislative Assembly for its ratification or rejection; and no such Order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. 35 V. c. 23, s. 1.

Orders to be  
published.

8. Every Order in Council made under the provisions of this Act, shall be published in the next following issue of the *Ontario Gazette*. 35 V. c. 23, s. 2.

Payments,  
when to be  
made.

9. Payments may be made out of either of the said Funds after the Commissioner of Public Works has reported, for the information of the Lieutenant-Governor in Council, that the Company has completed the portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road named in the Act or Acts relating thereto; but no payment shall be made under any such authority till the said Commissioner has reported as aforesaid. 34 V. c. 2, s. 2; 35 V. c. 24, ss. 3 & 7.

Proviso.

Scrip.

10. Scrip or certificates may be issued in respect of any grant out of the Railway Subsidy Fund after payment thereof has been duly authorized, and the Commissioner of Public Works has duly reported as provided by the next preceding section of this Act. 35 V. c. 24, s. 5.

Form of certi-  
ficates.

11. The certificates issued to any Railway Company in respect of any grant out of the Railway Subsidy Fund may be in the form given in Schedule A to this Act, or to the like effect; and when signed by the Treasurer of this Province and the Accountant in his Department, and countersigned by the Auditor, any such certificate shall be valid and binding on the Province, according to its tenor and effect; and it shall not be necessary for any transferee in good faith of such certificate to enquire into, or obtain proof of any facts stated therein, all of which shall be deemed conclusive, as against the Province, in favour of such transferee. 39 V. c. 22, s. 7.

On fulfilment  
of conditions  
of the Order  
in Council,  
payment may  
be directed.

12. Every Order in Council made under the provisions of this Act, which is or becomes operative by the ratification of the Legislative Assembly, shall be so construed and read that upon the fulfilment of the conditions contained in such Order in Council, the Lieutenant-Governor in Council may, at his option, direct that the payment by the said Order in Council authorized may be made out of the Railway Fund, or out of the Railway Subsidy Fund, from any part of the said Funds respectively which has not been exhausted by actual payments directed to be made thereout by Orders in Council; and in directing the said payment at the yearly rate of one hundred and ninety-four dollars forty cents per mile of Railway, payable

Equivalent of  
yearly pay-  
ment to pay-  
ment in hand.

half yearly for the full period of twenty years, computed from the first day of January, one thousand eight hundred and seventy-two, such yearly payment shall be deemed and taken as equivalent to the payment in hand at the rate of two thousand dollars per mile of Railway, and *vice versa*, and in the like proportion where the grant in aid per mile is greater or less than at the said rate of two thousand dollars per mile, or the said yearly rate of one hundred and ninety-four dollars forty cents per mile, notwithstanding the same may be less than one hundred and twenty or in excess of two hundred and forty dollars per annum. 37 V. c. 37, s. 1.

**13.** In every case where the conditions of the Order in Council in respect of the grant of aid have been fulfilled, and the Railway Company is entitled to actual payment in hand or its equivalent yearly payments, the Lieutenant Governor in Council may, by Order in Council, direct that such payments may be made out of the said respective Railway Funds to such Railway company accordingly; and such Order in Council shall operate to charge, in favour of such Railway Company, the Fund out of which such payment or payments is or are directed to be made, with the payment or payments thereof; and such Railway Company shall thereupon become entitled to payment of the said amounts at the times and in the manner mentioned in such Order in Council without any abatement. 37 V. c. 37, s. 2.

**14.** In any case where an Order in Council is passed under the provisions of this Act, and is operative by the ratification of the Legislative Assembly, and has not lapsed through the non-performance or non-observance of any of the conditions in that behalf in the said Order contained, the Lieutenant-Governor nevertheless upon being satisfied that there is no reasonable doubt that such Railway or portion or portions thereof in respect of which the grant of aid is made, will not be completed within the period mentioned in the Act incorporating such Railway Company, and limited for the completion of such Railway or of such portion or portions thereof, may, by Order in Council, declare that the said Order in Council for the grant of aid ought to become null and void in respect of the Railway or portion or portions thereof so incompleting, and that the said grant of aid should lapse, and, upon the ratification of such Order by resolution of the Legislative Assembly, the said Order in Council for grant of aid, and the said grant of aid in respect of said incompleting Railway or portion or portions thereof shall be annulled and avoided accordingly. 37 V. c. 37, s. 3.

#### RAILWAY LAND SUBSIDY FUND.

**15.** Whereas the construction of Colonization Railways will promote the settlement, and increase the value, of certain unsettled lands in the Free Grant Territory of the Province; and whereas it is desirable that a portion of the said lands should

Land set apart to form a fund to recoup the Province for grants in aid of railways.

be set apart and sold for the purpose of forming a Fund to recoup the Province in respect of moneys expended in aiding Railways—there is hereby set apart for the purpose of being sold and the proceeds applied to form the Fund aforesaid, a tract of land at least ten miles in width on each side of the present projected line of the Victoria Railway, or on each side of the line of the said Railway as the same may hereafter be finally located and established, which tract shall extend from the northern boundary of the Townships of Ayr and Clyde to the River Ottawa at or near the mouth of the Mattawan River. 40 V. c. 14, s. 5.

Terms of sale.

**16.** The said lands so set apart as aforesaid, shall be sold at such price, not less than two dollars per acre, and on such terms and conditions otherwise, as the Lieutenant-Governor may from time to time determine. 40 V. c. 14, s. 6.

Money to form  
Railway Land  
Subsidy Fund.

**17.** The moneys arising from the sale of the lands so set apart, shall constitute a Fund to be called "The Railway Land Subsidy Fund," and a separate account of the same shall be kept by the Treasurer of the Province. 40 V. c. 14, s. 7.

Application of  
Fund.

**18.** The said Railway Land Subsidy Fund shall be applied as follows :

(a.) The cost and expenses of the collection of the said Fund shall form and be the first charge thereon.

(b.) The remainder of the said Fund shall be applied in or towards payment of the moneys by this Act granted, or which may hereafter be granted in aid of Railways. 40 V. c. 14, s. 8.

Pine trees  
reserved.

**19.** All pine trees upon the said lands shall be reserved from sale, and the proceeds of the sale of the said trees shall form no part of the said Railway Land Subsidy Fund. 40 V. c. 14, s. 9.

Reduction of  
price of lands  
not worth \$2  
an acre.

**20.** In case after the said lands are placed in the market, the Commissioner of Crown Lands reports in writing that any particular portion or portions of the lands so set apart is or are not worth two dollars per acre, it shall be lawful for the Lieutenant-Governor in Council to reduce the said price, and the same may thereafter be sold at such reduced rate. 40 V. c. 14, s. 10.

Lands so set  
apart may be  
disposed of by  
way of free  
grants for  
right of way.

**21.** Notwithstanding anything herein contained, the Lieutenant-Governor in Council may dispose, by way of free grant, of any of the lands so set apart as aforesaid, for the right of way of any Railway, or for railway stations or workshops; or lands necessarily required for constructing or working any Railway, or of any other lands required for public purposes, and of which the Lieutenant-Governor in Council may deem it to be in the public interest to make free grants. 40 V. c. 14, s. 11.



## AID TO CERTAIN RAILWAYS.

**22. Firstly.** Whereas, subject to the conditions hereinafter mentioned, aid has heretofore been granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of the portions of Railway hereinafter mentioned, as follows, that is to say :—

Railway Companies granted aid out of the Con. Rev. Fund.

(1.) The Lake Simcoe Junction Railway Company, from Stouffville on the Toronto and Nipissing Railway to Jackson's Point, Lake Simcoe, a distance of about twenty-six and one-half miles, at the rate of two thousand dollars per mile ;

(2.) The Belleville and North Hastings Railway Company, from the point of junction with the Grand Junction Railway, for a distance of twenty-two miles northerly, at the rate of three thousand dollars per mile ;

(3.) The Cobourg, Peterboro' and Marmora Railway Company, for the distance between Harwood and Ashburnham, about thirteen miles, at the rate of two thousand dollars per mile ;

(4.) The Credit Valley Railway Company, for the distance between the Brock Road and Ingersoll, fifty two and one half miles, at the rate of two thousand dollars per mile ; and for the distance between Cataract and Elora, twenty-seven and one half miles, at the rate of two thousand dollars per mile ;

(5.) The Stratford and Lake Huron Railway Company, for the distance between Stratford and Listowel, about twenty-five miles, at the rate of two thousand dollars per mile ; 39 V. c. 22, s. 1.

**Secondly.** And whereas, subject to the conditions hereinafter mentioned, increased aid has heretofore been granted out of the Consolidated Revenue Fund to the following Railway Companies to ensure the completion of the portions of Railway hereinafter mentioned, that is to say :—

Railway Companies granted increased aid.

(1.) The Victoria Railway Company, from the Town of Lindsay to Kinmount, a distance of about thirty-three miles, at the rate of one thousand dollars per mile ;

(2.) The Montreal and City of Ottawa Junction Railway Company, from the boundary line between Ontario and Quebec to or near the city of Ottawa, a distance of about sixty-six miles, at the rate of one thousand dollars per mile ;

(3.) The Midland Railway Company, from Waubashene to Midland Bay, a distance of about thirteen miles, at the rate of one thousand seven hundred and fifty dollars per mile ;

(4.) The Grand Junction Railway Company, from the point of present completion, near Stirling, to Peterborough, a distance of about forty-five miles, at the rate of one thousand dollars per mile ;

(5.) The Kingston and Pembroke Railway Company, for the distance of about sixteen miles, between Sharbot Lake and the River Mississippi, at the rate of three thousand seven hundred and fifty dollars per mile ; 39 V. c. 22, s. 2.

Aid to certain  
other railways.

*Thirdly.* And whereas, subject to the conditions herein-after mentioned, aid has heretofore been granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of the portions of Railway hereinafter mentioned, that is to say :—

(1.) The Victoria Railway Company, from Kinmount Village to Haliburton, a distance of about twenty-two miles, at the rate of six hundred and ninety-two dollars and sixteen cents per mile, per annum, payable half-yearly for twenty years.

(2.) The Whitby and Port Perry Railway Company, from Port Perry to Lindsay, a distance of about twenty-seven miles, at the rate of one hundred and seventy-three dollars and four cents per mile, per annum, payable half-yearly for twenty years.

(3.) The Prince Arthur's Landing and Kaministiquia River Railway Company, from Prince Arthur's Landing to Fort William, a distance of about six miles, at the rate of one hundred and seventy-three dollars and four cents per mile, per annum, payable half-yearly for twenty years.

(4.) The Kingston and Pembroke Railway Company, from the Mississippi River to the Madawaska River, a distance of about thirty miles, at the rate of six hundred and ninety-two dollars and sixteen cents per mile, per annum, payable half-yearly for twenty years.

(5.) The Credit Valley Railway Company, from Toronto to Ingersoll, and its branches from Streetsville to Alton, and from Cataract to Elora, being in all a distance of about one hundred and fifty-two and a half miles, at the rate of eighty-six dollars and fifty-two cents per mile, per annum, payable half-yearly for twenty years ; such last mentioned aid being in addition to former grants to this Company.

(6.) The Montreal and City of Ottawa Junction Railway Company, from the boundary line between Ontario and Quebec, to or near the City of Ottawa, a distance of about sixty-six miles, at the rate of eighty-six dollars and fifty-two cents per mile, per annum, payable half-yearly for twenty years ; such last mentioned aid being in addition to former grants to this Company ; 40 V. c. 14, s. 1.

Therefore it is hereby enacted as follows :—

All of the said grants of aid are respectively subject to the following conditions :—

1. The Lieutenant-Governor in Council may require any Railway Company so aided to enter into an agreement or agreements with any other Railway Company or Companies containing such terms and details as the Lieutenant-Governor in Council may approve of, in order to secure running powers or rights of user to such Company or Companies over the line or portion of line of Railway of the Company aided under this Act, or under former Acts, in the discretion of the Lieutenant-Governor in Council, for the haulage thereover of the cars and traffic of such other Company or Companies upon such terms as, in default of agreement between the respective Companies, may be settled by the Lieutenant-Governor in Council. 39 V. c. 22, s. 3 (1); 40 V. c. 14, s. 3 (1).

Conditions upon which grants of aid are granted.

2. No payment shall be made to any of the above named Companies in respect of the said grants of aid for any portion of their Railway until the Commissioner of Public Works has reported to the Lieutenant-Governor in Council that such Company has completed such portion of its road in respect of which payment is to be made (including such sidings and station houses as the Commissioner may think necessary for the accommodation of the public,) within the period for completing the Railway or portion thereof named in the Acts relating to the Company, or by this Act or within such other period as may by this Act or any other Act be fixed for such purpose. 39 V. c. 22, s. 3 (2); 40 V. c. 14, s. 3 (2).

3. Payment may be made as portions of the Railway, not less than ten continuous miles, are completed, as aforesaid, and in cases where the whole distance aided is less than ten miles, then for such distance. 39 V. c. 22, s. 3 (3); 40 V. c. 14, s. 3 (3) & s. 4, *part*.

4. The increased grants of aid to the Grand Junction Railway Company and Kingston and Pembroke Railway Company respectively are to be paid out of the appropriations heretofore made out of the Railway Fund by Orders in Council in favour of said Companies respectively, so far as the respective amounts may be sufficient, and are payable for portions of the respective Railways not yet completed and which extend beyond the portions for which increased aid is granted under this Act. 39 V. c. 22, s. 3.

5. After a Company has complied with the conditions necessary, and the Commissioner has reported as aforesaid, scrip or certificates may be issued for and in respect of the said grant, which scrip or certificates may be in the form of Schedule B to this Act, or to the like effect; and when signed by the

Scrip certificates.

Treasurer of this Province and the Accountant in his department, and countersigned by the Auditor, every such certificate shall be valid and binding on the Province, according to its tenor and effect; and it shall not be necessary for any transferee, in good faith, of such certificate to enquire into, or obtain proof of, any facts stated therein, all of which shall be deemed conclusive as against the Province, in favour of such transferee. 40 V. c. 14, s. 3 (4).

Statistical information.

6. Each of the said Companies shall furnish such information of the progress of the works on the Railway of the Company as may from time to time be required by the Commissioner of Public Works, and also such statistical or other details, accounts, and information as from time to time may be required from them by the Commissioner after completion of the Railway. 40 V. c. 14, s. 3 (6).

Locations, grades, &c., subject to inspection by Government Engineers.

7. The location, grades, the widths and slopes of cuttings and embankments, the plans of bridges, culverts, buildings, and other structures, the weight and section of iron rails, and other details of proposed construction of the Colonization Railways herein mentioned, shall be subject to inspection and approval by the Government Engineer before the commencement of the works, as well as after completion. 40 V. c. 14, s. 3 (7).

Rails not to be removed without consent of Lieutenant-Governor.

8. In order to secure the continuous running of the Railways aided by this Act, the iron or steel rails laid from time to time by any of the said Railways are not to be removed by the Company or by the authority of the Company without the consent of the Lieutenant-Governor in Council, obtained on the recommendation of the Commissioner of Public Works. 40 V. c. 14, s. 3 (8).

Grant to portion of K. & P. Railway cancelled.

9. The appropriation heretofore made to the Kingston and Pembroke Railway for that portion of the Railway not yet under construction from the River Mississippi northward is hereby cancelled. 40 V. c. 14, s. 3 (9).

Mode of payment of grants.

**23.** The payment in aid of the Railways thirdly mentioned in section twenty-two of this Act shall be computed in manner following, that is to say:

(a) If the portion of the Railway for which payment is made has been completed between the first day of January and the first day of July, the payments shall be computed as commencing on the first day of January of the preceding year;

(b) And if the portion for which the payment is made has been completed between the first day of July and the thirty-first day of December, the payments shall be computed as commencing on the first day of July of the preceding year. 40 V. c. 14, s. 2.



**24.** For the purposes of this Act, the times respectively limited for the completion of the Railways or portions of Railway aided as mentioned in the twenty-second section of this Act or under former Acts or Orders in Council duly ratified, are hereby extended to the first day of January, one thousand eight hundred and eighty. 39 V. c. 22, s. 5; 40 V. c. 14, s. 4, *part.*

Extension of time for completion of Railways aided by this or former Acts.

**25.** The Lieutenant-Governor in Council may also grant such bonus, subsidy or annual payment to any Company now or hereafter to be incorporated, not in excess of a present payment of eight thousand dollars per mile, in such mode and according to such terms and conditions as will secure the construction of a line of Railway extending from a point in the District of Muskoka as far North as Gravenhurst, so as to connect the Ontario system of Railways with the proposed line of the Canadian Pacific Railway (Georgian Bay Branch) at some point west of the eastern end of Lake Nipissing; the grant of such bonus, subsidy or annual payment to any Company shall be provisional until sanctioned by resolution of the Legislative Assembly, and shall only be upon proper conditions for securing full running powers and other rights of user for other Railways, and upon such other conditions for securing the due application of the grant, and the construction of the Railway, as the Lieutenant-Governor in Council may require, and no agreement in the premises shall be operative until ratified by resolution of the Legislative Assembly. 39 V. c. 22, s. 4.

Aid to Railways extending from Muskoka to the line of the Canadian Pacific Railway.

**26.** Every Railway Company taking the benefit of any of the provisions mentioned or contained in the four next preceding sections of this Act, and having authority under any Act of this Legislature to obtain aid for such Railway by grouping two or more minor Municipalities or sections thereof, shall thereafter be subject to the following provisions:—

Aid from portions of County Municipalities.

2. Where a portion of the County Municipality petitions to aid the Railway, it shall be such portion only as consists of two or more minor Municipalities or sections thereof, through which the line of Railway is to be constructed, or which will be benefited thereby, and such minor Municipalities and sections thereof shall lie contiguous; but no minor Municipality or section thereof, which is subject to a County or other by-law in aid of the same Railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping of minor Municipalities.

3. In case of aid from a County Municipality or from a grouped portion thereof, twenty resident freeholders of the County or portion comprised in the proposed by-law (as the case may be) may petition the County Council against submitting the said by-law, upon the ground that certain minor Municipalities or portions thereof comprised in the said by-law would

Proceedings in opposing the submission of by-law.

Arbitrators.

be injuriously affected thereby, or upon any other ground ought not to be included therein, the said Council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the County or of the Riding in which the County Town is situate, and one being an Engineer appointed by the Commissioner of Public Works, who shall have power to confirm or amend the said by-law by excluding any minor Municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the Railway Company, be submitted by the Council to the duly qualified voters; and the expense of the reference shall be borne by the Railway Company or the County, as the arbitrators may order.

Costs.

Rate to be levied only on the part of the municipality granting bonus.

4. In the case of a portion of the County Municipality being formed into a group, the by-law to be submitted shall be that of the County, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon shall be assessed and levied upon such portions only of the County Municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Interpretation of words "minor municipality."

5. The term "minor Municipality" shall be construed to mean any Town not separated from the municipal County, Township or incorporated Village situate in the County Municipality.

Deposit by Company to meet expenses.

6. Before any such by-law is submitted, the Railway Company shall deposit with the Treasurer of the Municipality a sum sufficient to pay the expenses to be incurred in submitting the by-law.

On rejection of by-law none other to be submitted for six months.

7. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same Municipality or portions of the County Municipality until after the expiration of six months from such rejection.

This section not retrospective in certain cases.

8. The foregoing provisions of this section shall not apply to or affect any municipal by-law respecting grouped portions of Municipalities which had before the tenth day of February, 1876, been duly passed, or was at the said date being submitted to the vote of the ratepayers. 39 V. c. 22, s. 6; 40 V. c. 14, s. 3 (5).

## SCHEDULE "A."

(Section 11.)

FORM OF CERTIFICATE FOR PAYMENT.

PROVINCE OF ONTARIO.

CANADA.

*Railway Subsidy Fund. Certificate for Payment.*

No.

\$

This is to certify that under and by virtue of certain Orders made by the Lieutenant-Governor of the Province of Ontario in Council, and dated respectively the \_\_\_\_\_ passed and duly ratified by the Legislative Assembly, under the provisions of an Act of the said Province, intituled "*An Act respecting Aid to Railways,*" being Chapter one hundred and sixty-six of "The Revised Statutes of Ontario," the \_\_\_\_\_ Railway Company is entitled to receive from the Province of Ontario a semi-annual subsidy of \_\_\_\_\_ dollars, payable on the thirtieth day of June and the thirty-first day of December in each and every year, until and inclusive of the thirty-first day of December, one thousand eight hundred and ninety-one; and it is hereby further certified that the Province of Ontario will, upon the day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ and upon the delivery of this certificate to the Treasurer of the said Province, at Toronto, pay to the said \_\_\_\_\_ Railway Company or its assigns the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, being the amount of subsidy payable to the said Company upon such day.

This certificate and any interest on the sum mentioned therein shall not pass or be transferable, except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this  
day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_, in accordance with Order in Council  
dated \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_

*Treasurer.*

Countersigned by

*Accountant.**Auditor.*

## SCHEDULE "B."

(Section 22, subsection 5.)<sup>1</sup>

FORM OF CERTIFICATE FOR PAYMENT.

PROVINCE OF ONTARIO,

CANADA.

*Railway Land Subsidy Fund—Certificate for Payment.*

No.

This is to certify that under and by virtue of a certain Order made by

the Lieutenant-Governor of the Province of Ontario in Council, and dated the                    under the provisions of an Act of the said Province intituled "*An Act respecting Aid to Railways*," being Chapter one hundred and sixty-six of "The Revised Statutes of Ontario," the                    Railway Company is entitled to receive from the Province of Ontario, a semi-annual subsidy of                    Dollars, payable on the thirtieth day of June, and on the thirty-first day of December, in each and every year, until and inclusive of the thirty-first day of December, one thousand eight hundred and                   , and it is hereby further certified that the Province of Ontario will, upon the                    day of                   , one thousand eight hundred and                   , and upon the delivery of this certificate to the Treasurer of the said Province at Toronto, pay to the said Company or its assigns the sum of                    dollars, and                    cents, being the amount of subsidy payable to the said Company upon such day.

This certificate and any interest in the sum mentioned therein shall not pass or be transferable except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this                    day of                   , A.D. 18                   , in accordance with Order in Council dated day of                   , A.D. 18                   .

*Treasurer.*

*Accountant.*

Countersigned by

*Auditor.*

## 5. *Miscellaneous Associations.*

- CHAP. 167.—Benevolent and Provident Societies, p. 1556.  
 " 168.—Library Associations and Mechanics' Institutes, p. 1564.  
 " 169.—Immigration Aid Societies, p. 1568.  
 " 170.—Cemetery Companies, p. 1574.  
 " 171.—Conveyances to Trustees for Burial Places, p. 1580 †

## CHAPTER 167.

### An Act respecting Benevolent, Provident and other Societies.

Societies which may be incorporated,	Officers, s. 4.
s. 1.	Incorporation of existing Societies,
Proceedings to obtain incorporation, s. 2.	s. 5.
Branch Societies, s. 3.	Incorporation of Branch Societies,
	ss. 6, 7.



Property of existing Society or Branch upon incorporation, s. 8.	Copy of declaration of incorporation to be evidence, s. 15.
Union of Societies, s. 9.	Defects of form in, proceedings to obtain incorporation, s. 16.
Liability of members for fees, &c., s. 10.	Certificate to facilitate proof of incorporation, s. 17.
Payments to members, s. 11.	Returns as to property of Societies, s. 18.
Power to hold lands, s. 12.	Further legislation, s. 19.
Power to take by devise, &c., s. 13.	Forms, s. 20.
Power to mortgage, sell, &c., s. 14.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose ; or for any other purpose not illegal, save and except the purpose of trade or business, and any purpose provided for by any of the Acts mentioned in the Schedule to this Act. 37 V. c. 34, s. 1. Power to form Societies for certain purposes.

2. The proceedings to obtain incorporation shall be as follows : Mode of incorporation.

1. Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the Society, the purpose of the Society, the names of those who are to be the first Trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the Society may think fit, provided that the said particulars and provisions are not contrary to law.

2. The declaration may be made and signed in duplicate, or in as many parts as may be required.

3. The said declaration may be produced to a Judge of any of the Superior Courts or to a Judge or Junior or Deputy-Judge of a County Court or to a Stipendiary Magistrate, and if the same appears to him to be in conformity with this Act, he shall endorse thereon a certificate to that effect.

4. One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the County or Union of Counties in which the Society is to hold its annual and general meetings.

5. When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies. 37 V. c. 34, s. 2 ; 40 V. c. 7, *Sched. A.* (149 & 150). When the incorporation is to be deemed complete.

Societies may establish branches.

**3.** The Society so incorporated may from time to time have or establish and maintain any number of branches thereof, to promote the objects of the Society. 37 V. c. 34, s. 3.

Appointment of officers, etc.

**4.** The Society may from time to time appoint Trustees, a Treasurer, a Secretary and other officers, for conducting its affairs, and for the discipline and management of the Society; and may from time to time make by-laws, rules or regulations for the government and for conducting the affairs of the Society, or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations. 37 V. c. 34, s. 4.

How Societies existing on 24th March, 1874, may become incorporated hereunder.

**5.** In case any Society, of a character authorized to be incorporated under section one of this Act, having been established before the twenty-fourth day of March, one thousand eight hundred and seventy-four, and being in existence at the said date, desires to be incorporated under this Act such Society may become incorporated in manner following:

1. The Trustees or office bearers for the time being shall make, sign and file, in manner aforesaid, a declaration stating the desire of the Society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the Society, and the purpose of the Society;

2. There shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the Society, or by which the Society is governed; and

3. A certificate by such Judge as aforesaid, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the Society shall become and be a body corporate and politic as aforesaid. 37 V. c. 34, s. 5.

How branches of unincorporated Societies may become incorporated.

**6.** Any branch of an unincorporated Society of the character aforesaid may become incorporated in manner following:

1. The Trustees or office bearers for the time being of the branch are to make, sign and file, in manner aforesaid, a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch;

2. There shall be filed with the declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch has no constitution or by-laws, an affidavit of the fact, made by one or more of the said Trustees or office-bearers, shall be filed with the declaration; and

3. A certificate by such Judge as aforesaid shall also be filed, that the said documents appear to him to be in conformity with

this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid. 37 V. c. 34, s. 6; 38 V. c. 21, s. 1.

**7.** Any branch of a Society of the character aforesaid, which Society has been incorporated under this Act, may become incorporated in like manner and by like proceedings with the consent of the Society to which the branch belongs, such consent to be given at a general meeting of the Society called in manner provided by the constitution and by-laws of the Society, and upon proof of such consent having been given in manner aforesaid being filed with the other documents aforesaid, before the Judge grants his certificate as provided by the preceding sections. 37 V. c. 34, s. 7. 40 V. c. 7, *Sched. A* (151).

How branches of future incorporated Societies may become incorporated.

**8.** In case of the incorporation of a Society, or branch of a Society, established before and in existence on the twenty-fourth day of March 1874, all real estate and other property held at the time of such incorporation in trust for the said Society or branch shall, on such incorporation going into effect, become and be invested in the incorporated Society or branch, without any deed, conveyance or assurance, and shall be held by the incorporated Society or branch for such uses and purposes, and upon such trusts, and subject to such conditions and incumbrances, as for, and subject to which the same were theretofore held by the trustees. 37 V. c. 34, s. 11.

Property of existing Society upon being incorporated under this Act.

**9.** Any two or more Societies or branches of a Society may unite and form one Society or branch, for the purpose of erecting buildings for the use of the Societies or branches, and if they so desire for other purposes, on such terms as may be agreed upon, by authority of a resolution assented to by a majority of the members of each of the said Societies or branches proposed to be united: Provided that every such resolution is passed at a general meeting of each of the Societies or branches concerned in such union, to be specially called for that purpose. 37 V. c. 34, s. 8.

Different Societies or branches may unite.

**10.** A person under the age of twenty-one years, elected or admitted as a member of a Society, or appointed to any office therein, shall be liable to the payment of fees and otherwise under the rules of the Society, as if he were of full age. 37 V. c. 34, s. 9.

Liability of persons under age.

**11.** When, on the death of any member of a Society, any sum of money becomes payable under the rules of the Society, the same shall be paid by the Treasurer or other officer of the Society to the person or persons entitled under the rules thereof; and such money shall be, to the extent of five hundred dollars, free from all claims by the personal representative or creditors of the deceased; and in case any sum is paid

Payment of money due on death of member.

Bona fide payments made in error.

in good faith to the person who appears to the Treasurer or other officer to be entitled to receive the same, no action shall be brought against such Treasurer or other officer of the Society in respect thereof; but nevertheless, if it subsequently appears that such money has been paid to the wrong person, the person entitled thereto may recover the amount, with interest, from the person who has wrongfully received it. 37 V. c. 43, s. 10.

Powers of  
Societies as to  
holding lands.

**12.** No Society or branch incorporated under this Act shall be entitled to acquire or hold, as purchasers or otherwise, any lands or tenements, or any interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor shall the Society or branch be entitled to purchase land except for the actual use and occupation of the Society, for the purposes of the Society. 37 V. c. 34, s. 12.

Power as to  
taking and re-  
taining lands  
by gift, devise  
or bequest.

**13.** Any such Society or branch may from time to time take by gift, devise or bequest, any lands or tenements, or any interests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the same; but the Society or branch shall at no time take, by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held by the Society or branch, exceeds in the whole one thousand dollars; nor shall the Society or branch at any time take, by gift, devise or bequest, lands, tenements or hereditaments the annual value of which, together with all the other real estate of the Society or branch, exceeds five thousand dollars; and no lands or tenements acquired by gift, devise or bequest, within the limits aforesaid, but not required for the actual use or occupation of the Society or branch, shall be held by the Society or branch for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the Society or branch; and the Society or branch shall have power within such period, in the name of the Society or branch, to grant and convey the said lands or tenements to any purchaser, so that the Society or branch no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the Society or branch; and any lands, tenements or interests therein, required by this Act to be sold and disposed of by the Society or branch but which have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. 37 V. c. 34, s. 13.

Power to sell,  
mortgage, etc.,  
lands.

**14.** Any Society may, in pursuance of a resolution assented to by a majority of the members present at a general meeting,



specially called for that purpose, of which public notice shall be given in the manner provided by the by-laws, mortgage, sell, exchange or lease any lands of the Society. 37 V. c. 34, s. 14.

**15.** A copy of the declaration, under the second, fifth or sixth section of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy, shall be *prima facie* evidence of the facts alleged in the declaration, and of the due making, signing and filing of the declaration, as mentioned in the certificate; and his certificate of the filing of the copy of the constitution and by-laws, under the fifth or sixth section, shall be like evidence of such filing; and a copy of the declaration, with a certificate of the said Provincial Registrar, or his deputy, or Clerk of the Peace, showing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the Society or branch is an incorporated Society or branch under this Act. 37 V. c. 34, s. 15, *part*.

Copy of declaration of incorporation to be evidence.

**16.** No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation. 37 V. c. 34, s. 15, *part*.

Defects in form.

**17.** To facilitate the proof of a Society or branch being an incorporated Society or branch under this Act, and to prevent any future question as to the same, the Society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the Society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the Society or branch being an incorporation under this Act, unless the certificate, or the order or decision of the Court granting or authorizing the same, is reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the certificate may be as follows:

Certificate of incorporation; its effect as evidence.

1. The application for the certificate may be made by the Society or branch to one of the Superior Courts or a Judge thereof, or to the County Court of the County in which the declaration aforesaid is filed, or to a Judge thereof.

Application for certificate.

2. The application shall be supported by satisfactory evidence that the Society or branch is a Society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate had been given to the Attorney-General of Ontario; and that a like notice had been published for four weeks in the *Ontario Gazette*; and if the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of

dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court may permit the same to be supplied; and the Court or Judge may in all cases require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary.

Issue of  
certificate.

3. When the Court is satisfied that the Society or branch is entitled to the certificate, the certificate may be issued by the Registrar or Clerk in duplicate (under his hand and the seal of the said Court) or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the certificate first issued, sealed and signed as aforesaid; any which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned.

Costs and  
practice.

4. The Courts shall have the same power of regulating the practice and costs in such cases as in other cases; and subject to this power, the costs and fees shall be the same, as nearly as may be, as in like cases within the jurisdiction of the said Courts respectively. 37 V. c. 34, s. 16.

Society to fur-  
nish state-  
ment of real  
property to  
the Legisla-  
ture.

18. It shall be the duty of the corporation, when thereunto required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein, held by the Society, and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require. 37 V. c. 34, s. 17.

Corporations  
subject to  
further legis-  
lation.

19. Societies or branches thereof incorporated under this Act shall be subject to such further and other provisions as the Legislature shall hereafter deem expedient. 37 V. c. 34, s. 18.

Forms.

20. In case the Lieutenant-Governor in Council or the Board of County Judges adopt or approve of any forms for any of the proceedings under this Act, and the Order adopting or approving the same is with the forms printed in the *Ontario Gazette*, the same forms shall be as effectual for the purposes mentioned in this Act, or in the Order in Council or Order of such Board of County Judges as if the said forms had been inserted in this Act. 40 V. c. 7 *Sched. A* (152).

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## SCHEDULE.

(Section 1.)

## ACTS FOR PURPOSES NOT INTENDED BY THIS ACT.

1. Chapter one hundred and twenty-two of The Revised Statutes of Ontario, entitled "*An Act respecting Limited Partnerships.*" Rev. Stat. c. 122.
  2. Chapter one hundred and fifty of The Revised Statutes of Ontario, entitled "*An Act respecting the incorporation of Joint Stock Companies by Letters Patent.*" Rev. Stat. c. 150.
  3. Chapter one hundred and fifty-one of The Revised Statutes of Ontario, entitled "*An Act respecting Telegraph Companies.*" Rev. Stat. c. 151.
  4. Chapter one hundred and fifty-two of The Revised Statutes of Ontario, entitled "*An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.*" Rev. Stat. c. 152.
  5. Chapter one hundred and fifty-three of The Revised Statutes of Ontario, entitled "*An Act respecting Joint Stock Companies for the Construction of Works to facilitate the transmission of Timber down Rivers and Streams.*" Rev. Stat. c. 153.
  6. Chapter one hundred and fifty-four of The Revised Statutes of Ontario, entitled "*An Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours.*" Rev. Stat. c. 154.
  7. Chapter one hundred and fifty-five of The Revised Statutes of Ontario, entitled "*An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings.*" Rev. Stat. c. 155.
  8. Chapter one hundred and fifty-seven of The Revised Statutes of Ontario, entitled "*An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.*" Rev. Stat. c. 157.
  9. Chapter one hundred and fifty-eight of The Revised Statutes of Ontario, entitled "*An Act respecting Co-operative Associations.*" Rev. Stat. c. 158.
  10. Chapter one hundred and sixty-one of The Revised Statutes of Ontario, entitled "*An Act respecting Mutual Fire Insurance Companies.*" Rev. Stat. c. 161.
  11. Chapter one hundred and sixty-four of The Revised Statutes of Ontario, entitled "*An Act respecting Building Societies.*" Rev. Stat. c. 164.
  12. Chapter one hundred and sixty-eight of The Revised Statutes of Ontario, entitled "*An Act respecting Library Associations and Mechanics' Institutes.*" Rev. Stat. c. 168.
  13. Chapter one hundred and sixty-nine of The Revised Statutes of Ontario, entitled "*An Act respecting Immigration Aid Societies.*" Rev. Stat. c. 169.
  14. Chapter one hundred and seventy of The Revised Statutes of Ontario, entitled "*An Act respecting Cemetery Companies.*" Rev. Stat. c. 170.
  15. Chapter two hundred and sixteen of The Revised Statutes of Ontario, entitled "*An Act respecting the Property of Religious Institutions.*" Rev. Stat. c. 216.
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## CHAPTER 168.

## An Act respecting Library Associations and Mechanics' Institutes.

Incorporation, ss. 1-5.

Corporation may be both Mechanics' Institute and Library Association.

Powers as to holding property, ss. 7-9.

Directors and officers, ss. 10-13.

Imposition of fines, ss. 14-16.

Evidence of by-laws, s. 17.

Shares, nature and transfer of, ss. 18, 19.

Dissolution of corporation, s. 20.

Application of the Act, s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation of Mechanics' Institutes and Library Associations.

1. Any number of persons, not less than ten, having subscribed, or holding together not less than one hundred dollars in money or money's worth, for the use of their intended Institution, may make and sign a declaration (in duplicate) of their intention to establish a Library Association or a Mechanics' Institute, or both (as the case may be), at some place to be named in such declaration, in which they shall also state :

Contents of the declaration.

1. The corporate name of the Institution ;
2. Its purpose ;
3. The amount of money or money's worth subscribed by them respectively, or held by them for the use thereof ;
4. The names of those who are to be the first Trustees for managing its affairs ; and
5. The mode in which their successors are to be appointed or new members of the Corporation admitted, or in which by-laws are to be made for such appointment or admission, or for any other purpose, or for all purposes ; and
6. Generally such other particulars and provisions as they may think necessary, not being contrary to this Act or to law.

C. S. C. c. 72, s. 1.

Duplicate declaration, how disposed of.

2. One duplicate of such declaration shall be filed in the office of the Registrar of Deeds for the County or other Registration Division in which the Institution is situate, by one of



the subscribing parties, who shall, before such Registrar, or the Deputy-Registrar, acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto, either in person or by their attorneys. C. S. C. c. 72, s. 2; 40 V. c. 7, *Sched. A* (153).

**3.** The Registrar or Deputy Registrar shall keep the duplicate so filed, and deliver the other to the person who filed it, with a certificate of the same having been so filed, and of the execution having been attested before him, and such duplicate, or any copy thereof certified by such Registrar or Deputy Registrar, shall be *prima facie* evidence of the facts alleged in such declaration and certificate. C. S. C. c. 72, s. 3; 40 V. c. 7, *Sched. A* (154).

The Registrar to file one and deliver the other.

**4.** When the formalities aforesaid have been complied with, the persons who signed such declaration, or the Directors, Trustees, or the office bearers and committee for the time being, of any such Institution or United Institutions, and their successors, shall be a body corporate and politic, and shall have the powers, rights and immunities vested in such bodies under "*The Interpretation Act*" and by-law, with power to such Corporation, in their corporate name, from time to time, to acquire and hold, to them and to their successors, for the uses of such Corporation, any messuages, lands, tenements or hereditaments situate within this Province. C. S. C. c. 72, s. 4.

When to become incorporated.

Rev. Stat. c. 1, s. 8 (24).

**5.** In case of a Mechanics' Institute or Library Association (or both united), established or in existence when this Act takes effect, the Directors, Trustees or the office bearers and committee thereof, for the time being, may make and sign a declaration of their wish or determination to become incorporated, according to the provisions of this Act, stating in such declaration the corporate name to be assumed by such Institution or United Institutions, and also with such declaration, file in the manner hereinbefore provided, a copy of the constitution and by-laws of such Institution or United Institutions, together with a general statement of the nature and amount of all the property, real or personal, held by or in trust for such Institution or United Institutions. C. S. C. c. 72, s. 5.

Incorporation of existing Institutions.

**6.** Any such Corporation may, if so stated in the declaration, be at the same time a Mechanics' Institute and a Library Association, or either of them, and their business shall accordingly be the ordinary and usual business of a Mechanics' Institute or of a Library Association, or both, as the case may be, and no other, but may embrace all things necessary and useful for the proper and convenient carrying on of such business; and their funds and property shall be appropriated and used for purposes legitimately appertaining to such business, and for no other. C. S. C. c. 72, s. 17.

Institutions may be joint.

May hold  
lands to the  
value of \$2,000  
yearly in vil-  
lages and  
cities.

**7.** Any Library Association or Mechanics' Institute duly incorporated, and situate in any Town or City having three thousand inhabitants or more, may hold real property not exceeding in annual value the sum of two thousand dollars. C. S. C. c. 72, s. 6.

When limited  
to \$1,000  
yearly in vil-  
lages and  
towns.

**8.** Any Library Association or Mechanics' Institute duly incorporated, and situate in any Village or Town not having three thousand inhabitants, may hold real property not exceeding in annual value the sum of one thousand dollars. C. S. C. c. 72, s. 7.

When to \$400.

**9.** In cases not mentioned in the two next preceding sections of this Act, the yearly value of real property to be held by any such Corporation shall never exceed four hundred dollars. C. S. C. c. 72, s. 8.

Directors and  
Trustees.

**10.** The affairs of every such Corporation shall be managed by the Directors or Trustees thereof for the time being, appointed as hereinafter, or by any by-law of the Corporation provided, who, or a majority of whom, may exercise all the powers of the Corporation, and act in its name and on its behalf, and use its seal, subject always to any provisions limiting the exercise of such powers in the declaration aforesaid, or in any by-law of the Corporation. C. S. C. c. 72, s. 9.

By-laws.

**11.** Such Trustees, or a majority of them, may make by-laws binding the members and officers thereof, and all others who agree to be bound by them, for all purposes relative to the affairs and business of the Corporation, except as to matters touching which it is provided by the declaration that by-laws shall be made in some other manner. C. S. C. c. 72, s. 10.

Officers.

**12.** The members of every such Corporation may, at their annual meeting, to be held on the day appointed by a by-law of the Corporation, choose from among themselves a President, and may appoint (unless it is otherwise provided in the declaration or by-laws) a Librarian, Treasurer, Secretary, Lecturer, and such other officers and servants of the Corporation as they think necessary, and fix and pay their remuneration; and may also choose a Board of Directors or Trustees of such Corporation, who shall hold office for one year, or such further time as may be hereafter limited or permitted. C. S. C. c. 72, s. 11.

Failure to  
elect provided  
for.

**13.** A failure to elect Trustees on any day appointed for that purpose by the declaration, or by any by-laws, shall not operate the dissolution of the Corporation, but the Trustees then in office shall remain in office until their successors are elected, which they may be, if no other provision is made therefor by the declaration or by-laws, at any meeting of the members of the Corporation at which a majority of such mem-

bers are present, in whatever way such meeting may have been called. C. S. C. c. 72, s. 12.

**14.** Every such Corporation may by its by-laws impose a fine not exceeding four dollars on any member contravening the same, or on any person not being a member of the Corporation, who has in writing agreed to obey the by-law for the contravention whereof it is imposed. C. S. C. c. 72, s. 13.

What fines may be imposed.

**15.** Any such fine, if incurred, and any subscription or other sum of money which any member or other person may have agreed to pay to the Corporation, for his subscription to the funds of the Corporation for any certain time, or for the loan of any book or instrument, or for the right of entry to the rooms of the Corporation, or of attending any lectures, or for any other privilege or advantage afforded him by such Corporation, may be recovered by the Corporation by action in any Court having jurisdiction in civil matters to the amount, on allegation and proof of the signature of defendant to some writing by which he has undertaken to pay such subscription, or to obey such by-law, and of the breach of such undertaking, which breach, as regards a promise to pay any sum of money, shall be presumed until the contrary is shown, and as regards the contravention of any such by-law, may be proved by the oath of any one credible witness. C. S. C. c. 72, s. 14.

How enforced.

**16.** Any fine incurred may be recovered in like manner as a subscription or other sum of money, and all fines so recovered shall belong to the Corporation for the use thereof. C. S. C. c. 72, s. 16.

Application of fines.

**17.** In any action to which the Corporation is a party, a copy of any by-law bearing the signature of the defendant, or bearing the seal of the Corporation, and the signature of some person purporting to have affixed such seal by authority of the Corporation, shall be *prima facie* evidence of such by-law. C. S. C. c. 72, s. 15.

Evidence of by-laws.

**18.** If it is provided in the declaration, or by the by-laws of the Corporation, that the shares of the members, or of any class of members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in the declaration, or in the by-laws of the Corporation, if by such declaration such transfers are to be regulated by them. C. S. C. c. 72, s. 18.

When shares transferable.

**19.** All such shares shall be personal property, and by the declaration or by-laws provision may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality. C. S. C. c. 72, s. 19.

Shares to be personal property.

Dissolution  
provided for.

**20.** Provision for the dissolution of such Corporation may be made by the declaration, or it may be therein provided, that such provision may be made by the by-laws of the Corporation; but no such dissolution shall take place until the liabilities of the Corporation are discharged. C. S. C. c. 72, s. 20.

This Act to  
apply to 30th  
August, 1851,  
and since.

**21.** This Act shall extend to all Mechanics' Institutes or Library Associations incorporated since the thirtieth of August, one thousand eight hundred and fifty-one, but shall not be held in any way to affect or extend to any Mechanics' Institute or Library Association incorporated before that day. C. S. C. c. 72, s. 21.

## CHAPTER 169.

### An Act respecting Immigration Aid Societies.

Short title, s. 1.

Interpretation, s. 2.

Immigration Districts and Agents,  
s. 3.

Formation of Societies, ss. 4-8.

Powers as to lending and borrow-  
ing money, s. 9.

Mode in which Society may take  
steps to procure employment for  
immigrants, ss. 10-12.

Advances to emigrants, s. 13.

Recovery of advances, ss. 14, 15.

Inspector of Immigration Societies,  
s. 16.

Examination of immigrants and  
others as to assistance received,  
s. 17.

Negotiable instruments drawn under  
this Act may be in any language,  
s. 18.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### PRELIMINARY.

Short title.

**1.** This Act may be cited as "*The Ontario Immigration Aid Societies Act*."

Interpretation  
clause.

**2.** In the construction of this Act "Commissioner of Agriculture" shall include any deputy or officer authorized to perform the duty, or exercise the power in question;

(1.) "Immigration" or "Immigrant," shall include "Emigration" or "Emigrant," when it refers to the act of leaving or to a person about to leave Europe or elsewhere for Ontario;



(2.) "Society" shall mean the Ontario Immigration Aid Society which the context indicates or refers to. 36 V. c. 35, s. 16.

3. The Commissioner of Agriculture shall from time to time divide the Province of Ontario into Immigration Districts, either by Counties, Ridings or Municipalities, as seems to him most expedient; and in each of such Districts there shall be an Immigration Office and an Immigration Agent; and such division and any future alteration thereof shall be notified in the *Ontario Gazette* as the Immigration District of the place where the Immigration Office is kept. 36 V. c. 35, s. 1.

Immigration Districts, agents and officer.

4. In each of such Districts an Immigration Aid Society or Societies may be formed and constituted under this Act, for the purpose of assisting immigrants to reach Ontario from Europe and elsewhere; and to obtain employment for them on their arrival in the Province; and of enabling persons in Ontario in want of labourers, artisans or servants to obtain them by such immigration; each such Society to consist of not less than twenty-five persons, whether resident or not in the Immigration District, agreeing to form such Society, and to subscribe among them, as the capital of the Society, not less than five hundred dollars, in fifty shares of ten dollars each, one-fourth of which at least shall be paid on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their Secretary-Treasurer, by the persons (not being less than twenty-five) present at the meeting at which it is agreed to form such Society. 36 V. c. 35, s. 2.

Formation of such Societies and their purpose.

Subscription and capital.

5. The persons agreeing to form such Society shall elect or agree upon a President, Secretary-Treasurer, and Board of Management, composed of not less than five members, including the officers above mentioned; and shall adopt a constitution and by-laws; and shall respectively sign a declaration to the effect following:—

Formalities to be complied with for the purpose of such formation.

"We the undersigned hereby associate ourselves together 'as the Immigration Aid Society, No. —, of the Ontario Immigration District 'of ———,' and we hereby bind ourselves to observe and obey all the requirements of '*The Ontario Immigration Aid Societies Act*,' and to pay respectively into the hands of the Secretary-Treasurer the amount of stock set opposite our respective names, one-fourth on subscribing this declaration, and the remaining three-fourths by the instalments and in the manner hereinafter provided; and we further bind ourselves to observe and to obey the constitution and by-laws of the Society, which are as follows:—"

Agreement.

Then shall follow the constitution and by-laws, which shall declare the objects of the Society to be those mentioned in section four, and such other special objects (if any) as it may be thought necessary to enumerate, and shall contain the names of the first President, Secretary-Treasurer and members of the Board of Management; the place where the Society shall have its office and hold its meetings; the manner in which the re-

Constitution and rules of Society.

mainder of the stock of the Society shall be paid up; the annual subscription to be paid by members, if such subscription is deemed advisable; the admission of new members; the duties and powers of the Board of Management and officers; the period for which they shall retain office; the regular meetings of the Society; the mode of calling and holding special meetings; number required for a quorum, and mode of voting thereat; the manner of filling vacancies in the Board of Management, or the performance of their duties in their absence by others; the period for which the Society shall continue; the mode of dividing its assets or profits from time to time during such period; and generally such provisions as may be advisable or expedient for the well working of the Society, and the attainment of the objects for which it is formed; then shall follow the signatures of members, and in columns opposite thereto the amount of stock for which they respectively subscribe, and the amounts paid up; the declaration shall then be dated and attested by the signatures of the President and Secretary-Treasurer. 36 V. c. 35, s. 3.

Signatures of members.

Attestation.

Duplicates of declaration to be sent to the Commissioner for approval and certificate.

6. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the Secretary-Treasurer, through the Agent for the District, to the Commissioner of Agriculture who shall cause them to be compared with this Act, and if the declaration is not found so conformable, the Commissioner shall return both duplicates back to the Secretary-Treasurer, informing him of the fact and of the objection to which the declaration is liable; but if it is found to be so conformable, he shall certify the fact under his hand and seal on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the Secretary-Treasurer. 36 V. c. 35, s. 4.

Commissioner to give No. to the Society.

7. If there is no other Immigration Aid Society in the District, the Commissioner shall treat the Society as Number One, and shall fill the blank left in the declaration for that purpose with that number; but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order. 36 V. c. 35, s. 5.

On approval, Society to become a corporation.

Rev. Stat. c. 149.

Seal.

Execution of documents.

8. As soon as the declaration is approved and certified as aforesaid the Society shall be a corporation, or body politic and corporate, by the name taken in the declaration, including the number given by the said Commissioner, and shall have all the powers, rights and immunities assigned to corporations by "*The Ontario Joint Stock Companies General Clauses Act*," including the right to have a corporate seal if the Society thinks fit; but it shall not be necessary that the corporate seal (if the Society has one) should be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document be

signed by the Secretary-Treasurer and countersigned by the President of the Society as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the same or his signature be called in question by any but the Corporation, and if it is not so questioned shall be admitted in evidence without proof; and any document purporting to be the duplicate copy of the declaration signed and sealed by the said Commissioner, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it is called in question by himself or by his authority. 36 V. c. 35, s. 6.

Evidence of duplicate.

9. The Society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow money, and to take or give security for the same, and to become a party to any promissory note, bill of exchange or other negotiable instrument or security, in the manner provided as to other documents by section eight; and may receive assistance in money or otherwise from Municipal or other Corporations, or from any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law; but the total amount of the liabilities of the Society shall never exceed the amount of its capital subscribed, but not paid up. 36 V. c. 35, s. 7.

Powers of Society lending and borrowing money.

Proviso; total liability limited.

10. The Society may receive applications from persons desiring to obtain artizans, workmen, servants or labourers from the United Kingdom, or from any part of Europe or elsewhere, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Ontario, in any manner, at any rate of wages, and for any period, under such penalties as damages for non-performance as may be stipulated in such contract, and may receive in advance all or any part of the money to be expended by the Society, or take security for the repayment of all or any part thereof to the Society by instalments, or in one sum, as may be agreed upon. 36 V. c. 35, s. 8.

Society may receive applications for the employment of immigrants, and act upon them.

11. The Secretary-Treasurer shall forthwith transmit every such application, with the requisite information and details, to the Immigration Agent of the District, with the amount the Society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other travelling charges of the immigrants required, from their home in Europe to the place in Ontario where they are required. 36 V. c. 35, s. 9.

Applications to be forwarded to district agent, with report of Society's action thereon.

12. The Immigration Agent shall forthwith transmit every such application, and the money received by reason thereof, to

Applications to be transmitted to

agents in Europe with funds advanced; their duties.

the Emigration Agent or Commissioner of the Province of Ontario in the United Kingdom or elsewhere, who shall thereupon take the necessary measures for procuring and forwarding to the said Society such immigrant or immigrants as may be required by the application; and the Immigration Agent shall, from time to time, furnish the Commissioner of Agriculture with such information and details respecting such application as the said Commissioner may require. 36 V. c. 35, s. 10.

Agents in Europe to take security from emigrants for repayment of advances.

**13.** If it is the intention of the Society or of the applicant that the whole or part of the money advanced towards defraying the expenses of emigration shall be repaid by the immigrant, either in one sum or in instalments, it shall be the duty of the Emigration Agent or Commissioner of the Province in Europe making the arrangements for the passage of the intending emigrant to Canada, to take from such emigrant an undertaking binding him or her to repay such money to the Society in Ontario in one sum or by instalments, at certain periods, and with or without interest, according to the instruction given by the Secretary-Treasurer, and he shall witness the execution of such instrument; and if any sum of money has been advanced to the emigrant for like purposes by any Society, or institution, or individual in the United Kingdom, such sum may, with the consent of such Society, institution or individual, be included in the amount for which such instrument is given, and may be recovered by the Ontario Society aforesaid, and being so recovered shall be paid over without charge to the Society, institution or individual by whom it was advanced, to whom, as well as to the Ontario Society, the Agent or Commissioner of Emigration witnessing the execution of the instrument shall notify any such amount. 36 V. c. 35, s. 11.

Sums advanced to emigrants in United Kingdom may be included.

Recovery from immigrant of amount of advances.

**14.** Any sum due as an instalment upon any such instrument shall be recoverable in any way in which a like sum is recoverable in the place where the suit is brought, although the instrument includes a further sum not then due. 36 V. c. 35, s. 12.

Emigrant may bind himself to serve nominee of the Society for the amount of the advance.

**15.** Any emigrant who might make such instrument, as aforesaid, may, in like manner, execute an instrument witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the Society therein named, to accept employment of the kind to be therein stated from any named person in the Immigration District in which the Society is formed, or with any person in such District whom the Society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named, not exceeding six calendar months, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall also be therein



designated, and to pay the same to the Society, on account of any money due by the immigrant to it; and such instrument may be enforced by the Society accordingly, by civil suit in any Court having jurisdiction to the amount then due against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him or her in such instrument shall be an offence cognizable before any one Justice of the Peace, and punishable by a fine not exceeding twenty dollars and costs, and by imprisonment until such fine and costs are paid; and the fine, if paid, shall belong to the Society, and be paid over to it by the Justice of the Peace; but the payment of such fine shall not prevent or affect any civil remedy of the Society under such instrument. 36 V. c. 35, s. 13.

How each obligation may be enforced.

**16.** The Commissioner of Agriculture shall, in his discretion, appoint, instead of District Agents hitherto mentioned in the preceding clauses of this Act, an Inspector of Immigration Societies, whose duties shall be to generally superintend the working of such Societies and to act in the place of the said District Agents; or he may appoint the Immigration Agents of the Dominion Government to act as Provincial District Agents for their respective agency districts. 36 V. c. 35, s. 14.

Appointment of Inspector of Immigration Societies.

**17.** The said Commissioner, Inspector, District Agents, or other person or persons who may be appointed by the said Commissioner, shall have power to examine under oath any person or immigrant touching any of the provisions relative to assisted emigration contained in this Act; and shall have the same power to enforce the attendance of such persons or immigrants, and to compel them to give evidence, as is vested in any Court of law in civil cases. 36 V. c. 35, s. 15.

Commissioner, &c., may examine immigrants regarding assistance extended by this Act.

**18.** Any negotiable or other instrument authorized by this Act may be drawn in any foreign language understood by the person executing it; and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums of currency in Canada. 36 V. c. 35, s. 16.

Foreign language; money.

## CHAPTER 170.

## An Act respecting Cemetery Companies.

Incorporation, ss. 1-3.  
 Cemeteries to be fenced, s. 4.  
 Repairs, s. 5.  
 Sewers, s. 6.  
 Penalty for contaminating rivers,  
 ss. 7-9.  
 Where bodies to be buried, s. 10.  
 Funerals to be decently performed,  
 s. 11.  
 Graves for the poor, s. 12.

Real estate exempt from taxation,  
 s. 13.  
 Sale of cemetery lots, ss. 14-16.  
 Shareholders, ss. 17-21.  
 Directors, ss. 22-29.  
 Defacing tombstones, &c.—  
 Civil liability, s. 30.  
 Criminal liability, C. S. U. C. c.  
 67, s. 29, p. 1579.

HER MAJESTY, by and with the advice and consent of the  
 Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

Not less than  
 twenty per-  
 sons may form  
 a Cemetery  
 Company.

**1.** Any number of persons, not less than twenty, may form themselves into a Company for the purpose of establishing one or more public Cemeteries near to, but without the limits of any Town or City. C. S. U. C. c. 67, s. 1.

After certain  
 formalities  
 they shall be a  
 body corpo-  
 rate.

**2.** When any number of persons, not less than twenty,

(a) Subscribe stock to an amount adequate to the purchase of the ground required for such a Cemetery, and

(b) Execute an instrument according to the form in the next section contained, and

(c) Pay to the Treasurer of the intended Company twenty-five per cent. of the capital stock intended to be raised, and

(d) Register such instrument at full length, together with a receipt from the Treasurer for the first instalment of twenty-five per cent., with the Registrar of the County or other Registration Division in which the ground is situate—

the Company shall thenceforth become and be a body corporate by the name designated in the instrument so registered, and may take, hold and convey the land to be used exclusively as a Cemetery or place for the burial of the dead. C. S. U. C. c. 67, s. 2.

3. The instrument referred to may be in the form following : 

Form of instrument of association.

“ Be it remembered, that on this                      day of                      , in the year of our Lord one thousand eight hundred and                      , we, the undersigned Shareholders, met at                      , in the County of                      , in the Province of Ontario, and resolved to form ourselves into a Cemetery Company, to be called                      , according to the provisions of Chapter 170 of “ *The Revised Statutes of Ontario*,” entitled “ *An Act respecting Cemetery Companies* ” ; And we do hereby agree that the capital stock of the said Company shall be                      dollars, to be divided into shares of                      dollars each, entitling the holder to one hundred superficial feet ; And we, the undersigned Shareholders, do hereby agree to accept and take the number of shares set by us opposite our respective signatures ; and we do hereby agree to pay the calls thereon, according to the provisions of the said Act, and of the Rules, Regulations and By-laws of the Company, to be made in that behalf.”

NAME.	NO. OF SHARES.	AMOUNT.

C. S. U. C. c. 67, s. 3.

4. The Company shall, by walls or other sufficient fences of such height as the Municipality may by by-law direct, enclose every part of the Cemetery held by them. 

Cemetery to be enclosed.

 C. S. U. C. c. 67, s. 4 ; 40 V. c. 7, *Sched. A* (155).

5. The Company shall also, out of the moneys received by virtue of this Act, keep the Cemetery, and the buildings and fences thereof, in complete repair, and in good order and condition. 

Cemetery to be kept in good repair.

 C. S. U. C. c. 67, s. 5.

6. The Company shall make all proper and necessary sewers and drains in and about the Cemetery for draining it and keeping it dry ; and they may from time to time, as occasion requires, cause any such sewer or drain to open into an existing sewer, with the consent in writing of the persons having the management of the street or road, and with the like consent of the owner or occupier of the land through which or part of which the opening is intended to be made, doing as little damage as possible to the street, road or land wherein the same is made, and restoring it to the same or as good condition as it was in before being disturbed. 

Company to make all necessary sewers, &c.

 C. S. U. C. c. 67, s. 6.

7. If the Company at any time causes or suffers to be brought to or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the Cemetery, whereby the water is fouled, the Company shall forfeit for every such offence fifty dollars. 

Penalties on Company contaminating any river, &c.

 C. S. U. C. c. 67, s. 7.

Recovery and application of penalties.

**8.** The said penalty, with full costs of suit, may, by a civil action in any Court of competent jurisdiction, be recovered by any person having a right to use the water; but the penalty and costs shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased. C. S. U. C. c. 67, s. 8.

Damages may be recovered in addition to penalties.

**9.** In addition to the penalty of fifty dollars (and whether the same has been recovered or not) any person having a right to use the water may sue the Company in a civil action for any damage specially sustained by him by reason of the water being fouled; or if no special damage is alleged, then, for the sum of ten dollars for every day during which the offensive matter has continued to be brought or to flow after the expiration of twenty-four hours from the time when notice of the offence was by such person served upon the Company. C. S. U. C. c. 67, s. 9.

Where bodies may be buried.

**10.** No body shall be buried in a vault or otherwise under any chapel or other building in the Cemetery, nor within fifteen feet of the outer wall of any such chapel or building. C. S. U. C. c. 67, s. 10.

Funerals to be decently performed.

**11.** The Company shall make regulations to ensure all burials within the Cemetery being conducted in a decent and solemn manner. C. S. U. C. c. 67, s. 11.

Graves to be furnished gratis for strangers and poor.

**12.** The Company shall furnish graves for strangers and for the poor of all denominations, free of charge, on the certificate in the latter case of a minister or clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the Cemetery. C. S. U. C. c. 67, s. 12.

Real estate of Company exempt from taxation.

**13.** The real estate of the Company and the lots or plots when conveyed by the Company to individual proprietors for burial sites, shall be exempt from taxation of any kind, and shall not be liable to be seized or sold on execution. C. S. U. C. c. 67, s. 13.

*[The original section adds—*

Or attached, or applied to the payment of debts under any bankrupt or insolvent law.]

Lots conveyed need not be registered.

**14.** When a lot has been sold by the Company, for a burial site, the conveyance shall not require to be registered for any purpose whatever, and shall not be affected by any Registry Act, nor shall any judgment, mortgage or incumbrance subsist on any lot so conveyed. C. S. U. C. c. 67, s. 14.

Deeds to be in the following form.

**15.** The deeds from the Company shall be in the following form :

“ Know all men by these presents, that the

Cemetery Company,



in consideration of                      dollars paid to them by                      , of                      , the receipt whereof is hereby acknowledged, do grant unto the said                      , his heirs and assigns,                      Lot of Land in the Cemetery of the said Company, called                      , and situate in the County of                      , which Lot is delineated and laid down on the map of the said Cemetery, and is therein designated by the name of                      , containing by measurement                      superficial feet; to have and to hold the hereinabove named premises," &c.

C. S. U. C. c. 67, s. 15.

**16.** All lots or plots of ground in the Cemetery, when numbered and conveyed by the Company, as burial sites or lots, shall be indivisible, but may afterwards be held and owned in undivided shares. C. S. U. C. c. 67, s. 16.

Lots to be indivisible, but may be held in undivided shares.

**17.** From and out of the proceeds of the sales of burial sites made by the Company, the Company may pay to its shareholders who may not desire to take land in the Cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock not represented by land in the Cemetery at such rate as may be agreed on, not exceeding eight per centum per annum, and may also repay to such shareholders the amount of paid-up stock held by them not represented by land in the Cemetery. 35 V. c. 116, s. 1.

Shareholders may receive interest on stock not represented by land.

2. Every such shareholder of the said Company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the Company held by him and fully paid up, and which are not represented by land in the Cemetery, until such shares are repaid to him by the Company; and upon their repayment to him of any share he shall cease to be a shareholder in respect of such share. 35 V. c. 116, s. 2.

Rights of shareholders with stock not represented by land.

3. Except as aforesaid, no dividend or profit of any kind shall be paid by the Company to any member thereof. C. S. U. C. c. 67, s. 17, *last part*.

No dividend allowed.

**18.** Subject to the provisions in the preceding section contained, one-half of the proceeds of all sales of burial sites, made by the Company, shall be first applied to the payment of the purchase money of the land acquired by the Company, and the residue to preserving, improving and embellishing the land as a Cemetery or burial ground, and to the incidental expenses of the Company; and after payment of the purchase money, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the Cemetery, and to the incidental expenses thereof, and to no other purpose whatever. C. S. U. C. c. 67, s. 17, *first part*.

Application of proceeds of sales.

**19.** Every proprietor of a lot in the Cemetery, containing not less than one hundred superficial feet, and who has paid twenty-five per cent. or more of the price of the lot, shall be

Lots to be not less than 100 superficial feet.

deemed a shareholder in the Company, and every such lot shall be deemed a share in the Company. C. S. U. C. c. 67, s. 18.

Shareholders  
paying \$8 on  
shares, eligible  
as directors

**20.** Every shareholder who has paid to the Company not less than eight dollars in all on his share or shares, shall be eligible as a Director. C. S. U. C. c. 67, s. 19.

No proprietor  
of less than 100  
superficial  
feet shall be a  
member or  
entitled to  
vote.

**21.** The Company may sell a lot of any size, but no proprietor of a lot containing less than one hundred superficial feet shall thereby become a member of the Company or have any vote in the management of the affairs thereof. C. S. U. C. c. 67, s. 20.

Property to be  
managed by  
nine Directors;  
a majority to  
be a quorum.

**22.** The affairs and property of the Company shall be managed by nine Directors, a majority of whom shall form a quorum. C. S. U. C. c. 67, s. 21

Directors to  
be elected by  
ballot.

**23.** The first Directors shall be chosen by ballot from among the subscribers to the registered instrument, and thereafter the Directors shall be annually elected by the shareholders on the third Monday in January in every year. C. S. U. C. c. 67, s. 22.

Number of  
votes regulated  
by the shares  
—no share-  
holder to vote  
unless \$2 is  
paid on each  
share.

**24.** Upon every election of Directors, including the first, every shareholder shall be entitled to one vote for every share he holds or is possessed of up to ten, and one vote for every five shares above ten; but no shareholder shall vote unless he has paid at least two dollars upon each share on which he votes. C. S. U. C. c. 67, s. 23.

Election of  
President.

**25.** The Directors, or a majority of them, shall, at their first meeting, elect one of their number to be President of the Company, and the President, if present (or if he is not present, then some Director chosen for the occasion), shall preside at every meeting of the Directors, and shall not vote except in case of an equality of votes, when he shall have a casting vote. C. S. U. C. c. 67, s. 24.

By-laws.

**26.** The Directors may pass by-laws for the laying out, selling, and managing of the ground, for regulating the erection of tombs, monuments, or grave-stones therein, and for empowering the President to execute conveyances of plots to shareholders. C. S. U. C. c. 67, s. 25.

Register to be  
kept.

**27.** The Directors shall record in a book kept for the purpose, all their by-laws and proceedings, and every person shall have access to such book for the purpose of searching and making extracts therefrom without payment of any fee. C. S. U. C. c. 67, s. 26.

Directors may  
call for instal-  
ments.

**28.** The Directors may also call for instalments on the sums subscribed for, and may appoint a time for the payment there-

of ; and if the same are not then paid, the right of the subscriber, and every instalment formally paid, shall be forfeited, and he shall be held not to have subscribed, unless the Directors think it expedient to remit the forfeiture, which they may do if the instalments are paid with interest within one year after the day when they ought to have been paid. C. S. U. C. c. 67. s. 27.

**29.** The Directors shall be personally liable for any judgment recovered against the Company. C. S. U. C. c. 67, s. 28. Directors liable for judgments recovered against the company.

**30.** Any person contravening the provisions of section twenty-nine of the sixty-seventh chapter of the Consolidated Statutes for Upper Canada, shall, in addition to any other liability he may thereby incur under said section, be liable in an action of trespass in the name of the Company, to pay all damages occasioned by his unlawful act ; and the money, when recovered, shall be applied under the direction of the Directors for the reparation and reconstruction of the property destroyed. C. S. U. C. c. 67, s. 30. Action of trespass against persons for contravention of C. S. U. C. c. 67, s. 29.

[Section 29 of C. S. U. C. c. 67, is as follows :—

29. Any person who

(1.) Wilfully destroys, mutilates, defaces, injures, or removes any tomb, monument, grave-stone or other structure placed in a Cemetery, or any fence, railing, or other work for the protection or ornament of a Cemetery, or of any tomb, monument, grave-stone, or other structure aforesaid, or of any Cemetery lot within a Cemetery ; or Penalty on persons defacing tombstones, &c.

(2.) Wilfully destroys, cuts, breaks or injures any tree, shrub or plant in a Cemetery ; or,

(3.) Plays at any game or sport in a Cemetery ; or,

(4.) Discharges fire arms (save at a military funeral) in a Cemetery ; or who

(5.) Wilfully and unlawfully disturbs persons assembled for the purpose of burying a body therein ; or who

(6.) Commits a nuisance in a Cemetery ;

shall be guilty of a misdemeanor, and shall, upon conviction thereof before a Justice of the Peace or other Court of competent jurisdiction, be punished by a fine of not less than four dollars nor more than forty dollars, according to the nature of the offence. 13-14 V. c. 76, s. 9.]

## CHAPTER 171.

## An Act respecting Conveyances to Trustees for Burial Places.

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Lands for burial grounds may be vested in trustees, s. 1.

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

When lands for burial grounds may be vested in trustees.

1. Whenever any of the inhabitants of a Township or locality in Ontario, to the number of ten or more, desire to take a conveyance of land for a burying ground not to belong exclusively to any particular denomination of Christians, such persons may appoint Trustees, to whom, and their successors to be appointed in such manner as may be specified in the deed of conveyance, the land may be conveyed ; and such Trustees, and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, in trust for the uses and purposes limited in the deed, and may maintain and defend suits at Law or in Equity for the protection thereof, and of their property therein. C. S. U. C. c. 68, s. 1.

Not exceeding ten acres for one township or locality.

2. But there shall not be held in trust under any such conveyance for the purposes aforesaid, more than ten acres of land for the inhabitants of any one Township or locality. C. S. U. C. c. 68, s. 2.



## 6. *Changing of Names of Companies.*

CHAP. 172.—Changing the names of Companies, p. 1581.

### CHAPTER 172.

#### An Act respecting the changing of the names of Incorporated Companies.

Change of name on application to the Lieutenant-Governor, ss. 1-5. | Change of name not to affect liabilities of the Company, s. 6.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Where any incorporated company within the legislative authority of the Legislature of this Province, whether incorporated under a special or general Act, is desirous of changing its name, the Lieutenant-Governor upon being satisfied that the Company is in a solvent condition, that the change desired is not for any improper purpose, and is not otherwise objectionable, and that the notice hereinafter provided for has been duly given, may, by Order in Council, change the name of the Company to some other name set forth in the said Order. 40 V. c. 8, s. 66 (1).

Applications to Lieutenant-Governor to change names of Companies.

**2.** The Company shall give at least four weeks' previous notice in the *Ontario Gazette* and in some other newspaper published in the locality in which the operations of the Company are carried on, of the intention to apply for the change of name, and shall state the name proposed to be adopted. 40 V. c. 8, s. 66 (4).

Notice of intention to apply.

**3.** In case the proposed new name is considered objectionable, the Lieutenant-Governor in Council may, if he thinks fit, change the name of the Company to some other unobjectionable name without requiring any further notice to be given. 40 V. c. 8, s. 66 (4).

In case proposed name is objectionable.

**4.** Such change shall be conclusively established by the insertion in the *Ontario Gazette* of a notice thereof by the Provincial Secretary. 40 V. c. 8, s. 66 (3).

Change to be published in *Gazette*.

Affidavit.

5. Any affidavit or affirmation proposed to be submitted for the purposes of this Act, may be sworn or made before any Commissioner for taking affidavits in any of the Superior Courts. 40 V. c. 8, s. 66 (2).

Change not to  
affect suits or  
contracts.

6. No contract or engagement entered into by or with the Company, and no liability incurred by it shall be affected by the change of name; and all suits commenced by or against the Company prior to the change of name may be proceeded with against or by the Company under its former name. 40 V. c. 8, s. 67.

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## 7. *Security by Officers of Companies and Corporations.*

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CHAP. 173.—Security of Guarantee Companies for officers of certain Corporations, p. 1582.

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### CHAPTER 173.

#### An Act to respecting the Acceptance of certain Incorporated Companies as Sureties.

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Security of guarantee companies may be accepted for officers of certain corporations, ss. 1, 2.

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HER MAJESTY, by and with, the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Building and  
Benevolent  
Societies may  
accept secu-  
rity of cer-  
tain compa-  
nies as their  
officers.

1. Notwithstanding anything in any Act of the Legislature of this Province passed with respect to Building Societies, Benevolent Societies or other corporations, the bonds or policies of guarantee of any incorporated or Joint Stock Company formed and empowered to grant guarantees, bonds or policies, for the integrity and faithful accounting of public officers, or for like

purposes may be accepted instead of, or in addition to, the bond or security of any officer or servant of such Society or corporation in all cases where, by the provisions of such Act, or of any by-law or rule of such Society or corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such Company as aforesaid, and approve the terms and conditions thereof; and all the provisions in any such Act relating to such security to be given by any such officer or servant, or his sureties, shall apply to the bonds or policies of guarantee of such Company as aforesaid. 27-28 V. c. 7, s. 2.

2. The bonds or policies of guarantee of any such Company may be taken instead of or in substitution of any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. 27-8 V. c. 7, s. 2.

Such security may be taken instead of existing securities.

## TITLE XII.

### MUNICIPAL MATTERS.

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#### 1. *Municipal Institutions Generally.*

- CHAP. 174.—The Municipal Act, p. 1585.  
“ 175.—Municipal Institutions in Algoma, Muskoka, Nipissing,  
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#### 3. *Assessment of Property.*

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#### 4. *Sale of Intoxicating Liquors.*

- “ 181.—Sale of Fermented or Spirituous Liquors, p. 1880.  
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1. *Municipal Institutions generally.*

- CHAP. 174.—Municipal Institutions, p. 1585.  
 “ 175.—Municipal Institutions in Districts, p. 1794.

## CHAPTER 174.

## An Act respecting Municipal Institutions.

## PRELIMINARY, SS. 1, 2.

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 “ IV. Counties, ss. 32, 34, p. 1599.  
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## PRELIMINARY.

- Short title.      **1.** This Act may be cited as "*The Municipal Act.*"
- Interpretation of words.      **2** Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, they shall have the meanings hereinafter expressed, namely :
- "Municipality."      (1.) "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act ;
- "Local Municipality."      (2.) "Local Municipality," shall mean a City, Town, Township, or incorporated Village ;
- "Council."      (3.) "Council," shall mean the Municipal Council or Provisional Municipal Council, as the case may be ;
- "County."      (4.) "County," shall mean County, Union of Counties or United Counties, or Provisional County, as the case may be ;
- "Township."      (5.) "Township," shall mean Township, Union of Townships or United Townships, as the case may be ;
- "County Town."      (6.) "County Town," shall mean the City, Town, or Village in which the Assizes for the County are held ;
- "Land,"  
"Real Estate,"  
"Real Property."      (7.) "Land," "Lands," "Real Estate," "Real Property," shall respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein ;
- "Highway,"  
"Road,"  
"Bridge."      (8.) "Highway," "Road" or "Bridge," shall mean a Public Highway, Road, or Bridge, respectively ;
- "Electors."      (9.) "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, in the Municipality, Ward, Polling Sub-division, or Police Village, as the case may be ;
- "Reeve."      (10.) "Reeve" shall include the Deputy Reeve or Deputy Reeves where there is a Deputy Reeve for the Municipality, except in so far as respects the office of a Justice of the Peace ;
- "Next day."      11.) The words "next day" shall not apply to or include Sunday or Statutory Holidays.    36 V. c. 48, s. 1 ; 40 V. c. 8, s. 46.



## PART I.

## OF MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.

TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—*Secs. 3-8.*

**3.** The inhabitants of every County, City, Town, Village, Township, Union of Counties, and Union of Townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such Corporation respectively then established. 36 V. c. 48, s. 2.

Existing municipal corporations continued.

**4.** The head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of every Municipal Corporation, when this Act takes effect, shall be deemed the head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of such Corporation, as continued under and subject to the provisions of this Act. 36 V. c. 48, s. 3.

Heads, officers, by-laws, contracts, &amp;c., continued.

**5.** The name of every body corporate (not being a provisional corporation) continued, or erected under this Act, shall be "*The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships* as the case may be) of " (naming the same.) 36 V. c. 48, s. 4.

Names of municipal corporations.

**6.** The inhabitants of every Junior County, upon a Provisional Council being or having been appointed for the County, shall be a body corporate under the name of "*The Provisional Corporation of the County of* " (naming it.) 36 V. c. 48, s. 5.

Names of provisional corporations.

**7.** The inhabitants of every County, or Union of Counties erected by proclamation into an independent County or Union of Counties, and of every Township or Union of Townships, erected into an independent Township or Union of Townships, and of every locality erected into a City, Town or incorporated Village, and of every County or Township separated from any incorporated Union of Counties or Townships, and of every County or Township, or of the Counties or Townships, if more than one, remaining of the Union after the separation, being so

Inhabitants of counties, townships, &amp;c., and of cities, towns, &amp;c., to be a body corporate.

erected or separated after this Act takes effect, shall be a body corporate under this Act. 36 V. c. 48, s. 6.

Corporate powers to be exercised by councils.

8. The powers of every body corporate under this Act shall be exercised by the Council thereof. 36 V. c. 48, s. 7.

## TITLE II.—NEW CORPORATIONS:

DIV. I.—VILLAGES.

DIV. II.—TOWNS AND CITIES.

DIV. III.—TOWNSHIPS.

DIV. IV.—COUNTIES.

DIV. V.—PROVISIONAL COUNTY CORPORATIONS.

DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

### DIVISION I.—VILLAGES.

*When a Village may be incorporated. Sec. 9.*

*Restrictions as to area of Towns and Villages. Sec. 10.*

*Arrangement with respect to assets and debts of Townships. Sec. 11.*

*Case of Village partly in two Counties provided for. Sec. 12.*

*Arrangement as to debts when Village transferred from one County to another. Sec. 13.*

*Additions to area. Sec. 14.*

*Reductions of area. Sec. 15.*

When population 750, county council may incorporate as a village, and name place for same place for first election, and a returning officer.

9. When the census returns of an unincorporated Village, with its immediate neighbourhood, taken under the direction of the Council or Councils of the County or Counties in which the Village and its neighbourhood are situate, show that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated Village, then, on petition by not less than one hundred resident freeholders and householders of the Village and neighbourhood, of whom not fewer than one-half shall be freeholders, the Council or Councils of the County or Counties in which the Village and neighbourhood are situate shall, by by-law, erect the Village and neighbourhood into an incorporated Village, apart from the Township or Townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same. 36 V. c. 48, s. 8, *part*.

Area of town or village limited.

10. No Town or Village incorporated after the passing of this Act, the population of which does not exceed one thousand

souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land.

2. No Town or Village already or hereafter incorporated, and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand.

Regulations as to enlargement of area.

3. In the case of all Towns or Villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said Towns or Villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

Existing towns or villages, area of which exceeds proportionate limit not to be enlarged.

4. But in all cases, the persons then actually inhabiting the land about to be included within the limits of any Town or Village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such Town or Village; and the land occupied by streets or public squares may be excluded in estimating the area of such Town or Village. 36 V. c. 48, s. 8, *last part*.

How population and area may be reckoned.

11. In all cases where an incorporated Village is separated from the Township or Townships in which it is situate, the provisions of this Act for the disposition of the property, and payments of debts, upon the dissolution of a Union of Townships, shall be applicable as if the localities separated had been two Townships, and the Councils of such Village and Township or Townships shall respectively perform the like duties as by such provisions devolve upon the Councils of separated Townships, the said Village being considered as the Junior Township. 36 V. c. 48, s. 9.

Disposition of property and payment of debts when incorporated village is separated from township.

12. When the newly incorporated Village lies within two or more Counties, the Councils of the Counties shall, by by-law, annex the Village to one of the Counties; and if within six months after the petitions for the incorporation of the Village are presented, the Councils do not agree to which County the Village shall be annexed, the Wardens of the Counties shall memorialize the Lieutenant-Governor in Council, setting forth the grounds of difference between the Councils; and thereupon the Lieutenant-Governor shall, by proclamation, annex the Village to one of such Counties. 36 V. c. 48, s. 10.

When the village lies within two or more counties, village to be annexed to one of them by the county councils or Governor.

2. In case the Wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Lieutenant-

In case of failure of councils to act, freeholders, &c., may petition

Lieutenant-Governor.

Governor to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated Village to one of the said Counties. 36 V. c. 48, s. 11.

Liability of territory detached from one county and annexed to another.

**13.** In case any locality is, under the twelfth section of this Act, detached from one County and annexed to another, the Council of the County to which the locality is annexed and the Council of the Village shall agree with the Council of the County from which such locality is detached, as to the amount (if any) of the County liabilities which should be borne by the locality so detached, and the times of payment thereof.

2. If the Councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the County to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of County debts or for the payment of bonuses or aids granted by sections of the County to railways, or for the payment of local improvement debts.

3. The Council of the County or of the Village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such Council has previously paid the amount to the Municipality so liable, pay over the same when collected to the Municipality which is liable for the debt on account of which the rates were imposed.

4. Where the said Councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the said Village, and with the assent of at least two of the Councils of the Townships in which the said Village is situate, annul the incorporation of the said Village and restore the same to its former position as an unincorporated Village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. 37 V. c. 16, s. 1.

Addition to villages by Lieutenant-Governor.

**14.** In case the Council of an incorporated Village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section ten of this Act, by proclamation add to the Village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the Village, it may seem desirable to add thereto; and in case the territory so added belonged to another County, it shall thenceforward, for all purposes, cease to belong to such other County, and shall belong to the same County as the rest of the Village. 36 V. c. 48, s. 12; 40 V. c. 7, *Sched. A* (168).



**15.** The County Council of any County or Union of Counties, upon the application by petition of the Corporation of any incorporated Village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf reduce the area of such Village by excluding from it lands used wholly for farming purposes.

Reducing the area of villages.

2. Such by-law shall define, by metes and bounds, the new limits intended for such incorporated Village.

New limits to be defined.

3. No incorporated Village shall by any such change of boundaries be reduced in population below the number of seven hundred and fifty souls.

And population not reduced below 750.

4. The municipal privileges and rights of such Village shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. 36 V. c. 48, s. 13.

Not municipal rights of village abridged.

## DIVISION II.—TOWNS AND CITIES.

*Towns and Cities, how formed, and limits. Secs. 16–18.*

*Restrictions as to area of Towns. Sec. 10.*

*Wards, and additions to area. Secs. 19–21.*

*Towns, how withdrawn from and re-united to jurisdiction of County. Secs. 22, 23.*

**16.** A census of any Town or incorporated Village may at any time be taken under the authority of a by-law of the Council thereof. 36 V. c. 48, s. 14.

Census of towns and villages.

**17.** In case it appears by the census return taken under any such by-law, or under any statute, that a Town contains over fifteen thousand inhabitants, the Town may be erected into a City; and in case it appears by the return that an incorporated Village contains over two thousand inhabitants, the Village may be erected into a Town; but the change shall be made by means of and subject to the following proceedings and conditions:—

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town. Conditions.

1. The Council of the Town or Village shall, for three months after the census return, insert a notice in some newspaper published in the Town or Village, or, if no newspaper is published therein, then the Council shall, for three months, post up a notice in four of the most public places in the Town or Village, and insert the same in a newspaper published in the County Town of the County in which the Town or Village is situate, or if there is no such newspaper, than in the newspaper published nearest to the said Town or Village, setting forth in the notice the intention of the Council to apply for the erection of the Town into a City, or of the Village into a Town, and stating the limits intended to be included therein;

Notice to be given.

Census returns to be certified, and publication of notice proved.

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

Town may be made a city by proclamation.

Limits of such new town or city.

Wards.

New division of wards in cities and towns.

Extension of city or town.

2. The Council of the Town or Village shall cause the census returns to be certified to the Lieutenant-Governor in Council, under the signature of the head of the Corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council: then, in the case of a Village, the Lieutenant-Governor may, by proclamation, erect the Village into a Town by a name to be given thereto in the proclamation;

3. In case the application is for the erection of a Town into a City, the Town shall also pay to the County of which it forms part, such portion, if any, of the debts of the County as may be just, or the Council of the Town shall agree with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement the same shall be determined by arbitration under this Act; and upon the Council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the Town into a City, by a name to be given thereto in the proclamation. 36 V. c. 48, s. 15.

18. The Lieutenant-Governor may include in the new Town or City such portions of any Township or Townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new Town or City, the Lieutenant-Governor may consider desirable to attach thereto. 36 V. c. 48, s. 16.

19. The Lieutenant-Governor may divide the new Town or City into Wards, with appropriate names and boundaries, but no Town shall have less than three Wards, and no Ward in any such Town or City less than five hundred inhabitants. 36 V. c. 48, s. 17.

20. In case two-thirds of the members of the Council of a City or Town do, in Council, before the fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into Wards being made of the City or Town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the City or Town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the City or Town, the Lieutenant-Governor may, by proclamation, divide the City or Town or such part thereof into Wards, as may seem expedient, and may add to the City or Town any part of the adjacent Township or Townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. 36 V. c. 48, s. 18.

**21.** In case any tract of land so attached to the Town or City belonged to another County, the same shall thenceforward for all purposes cease to belong to such other County, and shall belong to the same County as the rest of the Town or City. Where land attached to town, &c., belonged to another county 36  
V. c. 48, s. 19.

**22.** The Council of any Town may pass a by-law to withdraw the Town from the jurisdiction of the Council of the County within which the Town is situated, upon obtaining the assent of the electors of the Town to the by-law in manner provided by this Act, subject to the following provisions and conditions: Town may be withdrawn from jurisdiction of County by by-law on certain conditions.

1. After the final passing of the by-law, the amount which the Town is to pay to the County for the expenses of the administration of justice, the use of the Gaol, and the erection and repairs of the Registry Office, and for providing books for the same, and for services for which the County is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to be continued; Amount to be paid by town to county for expenses of administration of justice to be settled by agreement or arbitration.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the Town, or which the Town is then liable to pay, for the construction of roads or bridges by the County, without the limits of the Town; and also what the County has paid, or is liable to pay, for the construction of roads or bridges within the Town; and they shall also ascertain and allow to the Town the value of its interest in all County property, except roads and bridges within the Town; Matters to be considered in settling the same.

3. When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the Town from the jurisdiction of the Council of the County; Copy of agreement or award to be sent to the Lieutenant-Governor. Proclamation.

4. After the proclamation has been issued, the offices of Reeve and Deputy Reeve or Deputy Reeves of the Town shall cease; and no by-law of the Council of the County thereafter made shall have any force in the Town, except so far as relates to the care of the Court House and Gaol, and other County property in the Town; and the Town shall not thereafter be liable to the County for, or be obliged to pay to the County, or into the County treasury any money for County debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid; Effect of such proclamation.

New agreement or award after five years.

5. After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the Town to the County for the expenses of the administration of justice, the use of the Gaol, erection and repairs of the Registry Office or offices, the providing books for the same, and for services for which the County is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands ;

Property after withdrawal.

6. After the withdrawal of a Town from the County, all property theretofore owned by the County, except roads and bridges within the Town, shall remain the property of the County. 36 V. c. 48, s. 20.

Town may after five years from withdrawal pass by-law for re-union with county.

23. The Council of any Town which has withdrawn from a County, or Union of Counties, may, after the expiration of five years from such withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such County or Union of Counties.

Proviso, that by-law shall have no effect until ratified by council of county, &c.

2. The said by-law shall have no effect unless ratified and confirmed by the Council of the County or Union of Counties from which the said Town had previously withdrawn, within six months after the passing of the said by-law, and unless the terms and conditions which the Town shall pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:—

And before by-law ratified, the amounts of the debts of town and county respectively shall be determined.

3. Before the said by-law is confirmed by the Council of the County, the Councils of the Town and County shall determine by agreement the amounts of the debts of the Town and County respectively which shall be paid or borne by the County after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the Town, over and above all other County rates, and all other matters relating to property, assets, or advantages consequent upon such re-union, and as affecting the County or Town respectively, and such other terms or conditions as appear just shall be settled by such agreement ; and in default of such agreement being come to within three months after the passing of the by-law by the Council of the Town, the said matters shall be settled by arbitration, as provided by this Act. 36 V. c. 48, s. 21.

#### DIVISION III.—TOWNSHIPS.

*Townships, how attached to other Municipalities. Sec. 24.*



*When Junior Township may become a separate Corporation. Secs. 25-26.*

*Arrangement of joint assets and debts. Sec. 27.*

*New Townships, union of. Secs. 28-29.*

*Seniority of Townships. Secs. 30-31.*

**24.** In case a Township is laid out by the Crown in territory forming no part of an incorporated County, the Lieutenant-Governor may, by proclamation, annex the Township, or two or more of such Townships lying adjacent to one another, to any adjacent incorporated County, and erect the same into an incorporated Union of Townships with some other Township of such County. 36 V. c. 48, s. 22.

New township beyond limits of incorporated county may be attached to a county by proclamation.

**25.** When a Junior Township of an incorporated Union of Townships has one hundred resident freeholders and householders on the assessment roll as last finally revised and passed, such Township shall, upon the first day of January next after the passing of the proper by-law in that behalf by the County Council, become separated from the Union. 36 V. c. 48, s. 23.

Junior township containing 100 freeholders, &c., may be separated from union.

**26.** In case a Junior Township has at least fifty, but less than one hundred resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the Township petition the Council of the County to separate the Township from the Union to which it belongs, and in case the Council considers the Township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining Township for municipal purposes, the Council may, by by-law, separate the same from the Union; and the by-law shall name the Returning Officer who is to hold, and the place for holding, the first election under the same.

In what cases junior township containing 50 freeholders, &c., but less than 100, may be separated from union,

**2.** In case two-thirds of the resident freeholders and householders of one or more Junior Townships petition the Council of the County to be separated from the Union to which they belong, and to be attached to some other adjoining Municipality, and in case said Council considers that the interests and convenience of the inhabitants of such Township or Townships would be promoted thereby, they may, by by-law, separate such Township or Townships from said Union, and attach them to some other adjoining Municipality. 36 V. c. 48, s. 24.

and attached to an adjoining municipality.

**27.** After the dissolution of a Union of Townships, the following shall be the disposition of the property of the Union:

Disposition of property upon dissolution of township unions.

1. The real property of the Union situate in the Junior Township shall become the property of the Junior Township;

Real property, 2. The real property of the Union situate in the remaining Township or Townships of the Union shall be the property of the remaining Township or Townships ;

Other assets of the corporation. 3. The two Corporations shall be jointly interested in the other assets of the Union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;

Arrangement as to debts. 4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the Union, and in respect to the debts of the Union, such sum or sums of money as may be just ;

How to be determined in case of disagreement. 5. In case the Councils of the Townships do not, within three months after the first meeting of the Council of the Junior Township, agree as to the disposition of the personal property of the Union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act ;

Amount agreed to be paid shall bear interest. 6. The amount so agreed upon or settled shall bear interest from the day on which the Union was dissolved ; and shall be provided for by the Council of the indebted Township like other debts. 36 V. c. 48, s. 25.

New townships, &c., within the limits of incorporated counties, to be united to adjacent townships, and how. 28. In case a Township is laid out by the Crown in an incorporated County or Union of Counties, or in case there is any Township therein not incorporated and not belonging to an incorporated Union of Townships ; the Council of the County or United Counties shall, by by-law, unite such Townships for municipal purposes, to some adjacent incorporated Township or Union of Townships in the same County or Union of Counties. 36 V. c. 48, s. 27.

Townships not incorporated or united may be formed into unions. 29. In case of there being at any time in an incorporated County or Union of Counties two or more adjacent Townships not incorporated, and not belonging to an incorporated Union of Townships ; and in case such adjacent Townships have together not less than one hundred resident freeholders and householders within the same, the Council of the County or Union of Counties may, by by-law, form such Townships into an independent Union of Townships. 36 V. c. 48, s. 28.

Seniority of such townships, how regulated. 30. Every proclamation or by-law forming a Union of Townships shall designate the order of seniority of the Townships so united ; and the Townships of the Union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such Townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or

County Council may think fit. 36 V. c. 48, s. 29; 40 V. c. 8, s. 47

**31.** In case the United Townships are in different Counties the by-law shall cease to be in force whenever the Union of the Counties is dissolved. 36 V. c. 48, s. 30.

Townships  
in different  
counties.

#### DIVISION IV.—OF COUNTIES.

*Counties, how formed. Sec. 32.*

*Seniority of. Sec. 33.*

*Laws applicable—Venue in Judicial Proceedings. Sec. 34.*

**32.** The Lieutenant-Governor may, by proclamation, form into a new County any new Townships not within the limits of an incorporated County, and may include in the new County one or more unincorporated Townships or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated County, and may annex the new County to any adjacent incorporated County; or in case there is no adjacent incorporated County, or in case the Lieutenant-Governor in Council considers the new County, or any number of such new Counties lying adjacent to one another, and not belonging to any incorporated Union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated County for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new County, or new adjacent Counties, into an independent County or Union of Counties for the said purposes, and the proclamation shall name the new County or Counties. 36 V. c. 48, s. 31.

New counties  
how formed by  
proclamation,  
and annexed  
or united.

**33.** In every Union of Counties, the County in which the County Court House and Gaol are situate shall be the Senior County, and the other County or Counties of the Union shall be the Junior County or Counties thereof. 36 V. c. 48, s. 32.

Seniority of  
united coun-  
ties, how  
regulated.

**34.** During the union of Counties, all laws applicable to Counties (except as to representation in Parliament or the Legislative Assembly and registration of titles) shall apply to the Union as if the same formed but one County; and in any civil judicial proceedings the venue shall be so laid. 36 V. c. 48, s. 33

Laws applic-  
able to union  
of counties.

Venue.

#### DIVISION V.—OF PROVISIONAL COUNTY CORPORATIONS.

*Provisional Corporations, formed by separation of Junior County. Sec. 35.*

*Provisional officers. Secs. 36, 37.*

*Property may be acquired for Gaol and Court House.*

*Sec. 38.*

*Powers of Provisional Council not to interfere with united Corporation Sec. 39.*

*Arrangement of joint assets and debts. Secs. 40-42.*

*Officials, when appointed. Sec. 43.*

*Separation, when complete. Secs. 44, 45.*

*Judicial proceedings on separation. Secs. 46-49, and 29-30 V. c. 51, ss. 52, 53, 55.*

Separation of  
united coun-  
ties.

**35.** Where the census returns taken under a statute, or under the authority of a by-law of the Council of any United Counties, show that the Junior County of the Union contains seventeen thousand inhabitants or more, then if a majority of the Reeves and Deputy Reeves of such County do, in the month of February, pass a resolution affirming the expediency of the County being separated from the Union; and if, in the month of February in the following year, a majority of the Reeves and Deputy Reeves transmit to the Lieutenant-Governor in Council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the Junior County such as to call for a separate establishment of Courts and other County institutions, he may, by proclamation setting forth those facts, constitute the Reeves and Deputy Reeves in that County a Provisional Council, and in the proclamation appoint a time and place for the first meeting of the Council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the County Town. 36 V. c. 48, s. 34.

Appointment  
by proclama-  
tion of pro-  
visional coun-  
cil, in junior  
county.

First meeting  
thereof.

County town.

Who to pre-  
side.

**36.** The member so appointed shall preside in the Council until a Provisional Warden has been elected by the Council from among the members thereof. 36 V. c. 48, s. 35.

Appointment  
of provisional  
warden and  
other officers.  
Terms of  
office.

**37.** Every Provisional Council shall from time to time by by-law appoint a Provisional Warden, a Provisional Treasurer, and such other provisional officers for the County as the Council deems necessary. The Provisional Warden shall hold office for the municipal year for which he is elected, and the Treasurer and other officers so appointed shall hold office until removed by the Council. 36 V. c. 48, s. 36.

Provisional  
councils may  
acquire lands  
for gaols and  
court houses.

**38.** Every Provisional Council may acquire the necessary property at the County Town of the Junior County on which to erect a Court House and Gaol, and may erect a Court House and Gaol thereon, adapted to the wants of the County, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 36 V. c. 48, s. 37.

Respective  
powers of pro-  
visional coun-  
cils.

**39.** The powers of a Provisional Council shall not interfere with the powers of the Council of the Union, and any money



raised by the Provisional Council in the Junior County shall be independent of the money raised therein by the Council of the Union. 36 V. c. 48, s. 38.

**40.** After a Provisional Council has procured the necessary property, and erected thereon the proper buildings for a Court House and Gaol, such Council, and the Council of the Senior or remaining Counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one County to the other, and the times of payment thereof; and in determining such balance the Senior or remaining Counties shall assume the debts of the Union, and the Junior County be charged with such part thereof as may be just, and the value of the real estate, which, upon the separation, becomes the property of the Senior or Junior County respectively, and any improvement effected by the Union which either County gets the exclusive benefit of, shall also be taken into account. 36 V. c. 48, s. 39.

Agreement upon dissolution as to joint liabilities and joint assets.

Senior county to assume debts of union. Junior county to be charged with just proportion.

**41.** No member of the Provisional Council shall vote or take any part in the Council of the Union on any question affecting such agreement, or the negotiation therefor. 36 V. c. 48, s. 40.

When provisional councilors shall not vote.

**42.** In case the Councils, within one month after the period mentioned in section forty, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the County found liable shall pay to the other County the balance or amount agreed or settled to be due by such County, and such amount shall bear interest at six per centum per annum from the day in which the Union is dissolved, and shall be provided for, like other debts, by the Council of the County liable therefor after separation. 36 V. c. 48, s. 41.

In case of disagreement, disputes to be determined by arbitration.

Payment of amounts found due.

**43.** After the sum, if any, to be paid by the Junior County to the Senior or remaining County or Counties has been paid or ascertained by agreement or arbitration, a Judge may be appointed, as provided by "*The British North America Act, 1867*," and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a Sheriff, one or more Coroners, a Clerk of the Peace, a Clerk of the County Court, a Registrar, and at least twelve Justices of the Peace, and shall provide, in the commission or commissions, that the appointments are to take effect on the day the Counties become disunited. 36 V. c. 48, s. 42.

Terms and time of separation.

Officials appointed.

**44.** After such appointments are made, the Lieutenant Governor shall, by proclamation, separate the Junior County from the Senior or remaining County or Counties, and shall declare such separation to take effect on the first day of January next

Final separation of united counties by proclamation.

Property, how  
divided.

after the end of three months from the date of the proclamation; and on that day the Courts and officers of the Union (including Justices of the Peace) shall cease to have any jurisdiction in the Junior County; and the real property of the Corporation of the Union situate in the Junior County shall become the property of the Corporation of the Junior County, and the real property situate in the remaining County or united Counties shall be the property of the Corporation of the remaining County or United Counties; and the other assets, belonging to the Corporation of the Union, shall belong to and be the property of the Senior or Junior County, or Union of Counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the Senior County, or Union of Counties; and in the case of *choses in action*, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the Senior County or Union of Counties. 36 V. c. 48, s. 43.

Officers and  
property, etc.  
continued.

**45.** When a Junior County is separated from a Union of Counties, the head and members of the Provisional Council of the Junior County, and the officers, by-laws, contracts, property, assets and liabilities of the Provisional Corporation, shall be the head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the new Corporation. 36 V. c. 48, s. 44.

Execution  
and service of  
process in  
hands of  
sheriff at time  
of separation.

**46.** The dissolution of a Union of Counties shall not prevent the Sheriff of any Senior County from proceeding upon and completing the execution or service within the Junior County of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such Sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 36 V. c. 48 s. 45.

Change of  
venue in ac-  
tions, etc., after  
separation.

**47.** If upon a dissolution of a Union of Counties, there is pending an action, or other civil proceeding in which the venue is laid in a County of the Union, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new County, and all records and papers to be transmitted to the proper officers of such County. 36 V. c. 48, s. 46.

If no special  
order made,  
proceedings to

**48.** In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in

the Senior County ; but nothing in this Act contained shall be construed to affect the provisions of sections fifty-two, fifty-three and fifty-five of the Act of the Parliament of the Province of Canada passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, so far as the same relate to criminal proceedings. 36 V. c. 48, s. 47.

be carried on in senior county.

Proviso as to criminal proceedings.

*[Sections 52, 53 and 55 of 29-30 V. c. 51, are as follows:—*

52. If upon the dissolution of a Union of Counties, there is pending an action, information, indictment or other judicial proceeding in which the venue is laid in a County of the Union, the Court in which the action, information or indictment is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new County, and all records and papers to be transmitted to the proper officers of such County ; and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any Judge of either of the Superior Courts of Common Law may make the order.

Place of trial after dissolution of unions, to be as ordered by the court or a judge.

53. In case no such change be directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the Senior County.

If no special order is made.

#### PERSONS IN PRISON.

55. Any person charged with an indictable offence, who, at the time of the disuniting of a Junior from a Senior County, is imprisoned on the charge in the Gaol of the Senior County, or is under bail or recognizance to appear for trial at any Court in the Senior County, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the Senior County, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the Junior County, in which event the prisoner or recognizance (as the case may be) shall be removed to the latter County and the proceedings shall be had therein ; and when in any such case the offence is charged to have been committed in a County other than that in which such proceedings are had, the venue may be laid in the proper County, describing it as "formerly one of the United Counties of," &c.]

Indictable offences how to be disposed of,

49. All Courts of the Junior County required to be held at a place certain, shall be held in the County Town of the Junior County. 36 V. c. 48, s. 48.

Place for holding courts in junior county.

#### DIVISION VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

*By-Laws, continuance of existing. Secs. 50-51.*

*Debts and Liabilities how affected. Secs. 52-56.*

*Officials and their sureties, how affected. Secs. 57-60.*

50. In case any Village is incorporated, or Village or Town (with or without additional area) erected into a Town or City, or a Township or County becomes separated, the by-laws in

By-laws in force prior to formation of new corpora-

tions to continue in force until altered by council of such corporation.

force therein respectively shall continue in force until repealed or altered by the Council of the new Corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the Council which passed the same. 36 V. c. 48, s. 51.

What by-laws bind where limits of a municipality are extended

**51.** In case an addition is made to the limits of any Municipality, the by-laws of such Municipality shall extend to the additional limits, and the by-laws of the Municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the Municipality to which the addition has been made. 36 V. c. 48, s. 52.

Liability for debts at the time of dissolution.

**52.** In the case of the erection of any locality into an incorporated Village, or of a Village into a Town, or of a Town into a City, the Village, Town or City shall remain subject to the debts and liabilities to which such locality was previously liable, in like manner as if the same had been contracted or incurred by the new Municipality; and, after the separation of a County or Township from a Union, each County or Township which formed the Union shall remain subject to the debts and liabilities of the Union, as if the same had been contracted or incurred by the respective Counties or Townships of the Union after the dissolution thereof. 36 V. c. 48, s. 53.

Debts in case of an extension of limits.

**53.** After an addition has been made to a Village, Town or City, the Village, Town or City shall pay to the Township or County from which the additional tract has been taken, such part (if any) of the debts of the Township or County as may be just; and in case the Councils do not, within three months after the first meeting of the Council of the Municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. 36 V. c. 48, s. 54.

Debentures to issue for debts, and to bind the old and new municipalities.

**54.** After the formation of a new Corporation by the dissolution of a Union of Counties or Townships, the Council of the Senior or remaining County or Township shall issue its debentures or other obligations for any part of any debt contracted by the Union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the Junior County or Township therefor under this Act; and the Junior County or Township shall be liable therefor as if the same had been issued by the Union before the dissolution. 36 V. c. 48, s. 55.

Assessments for year preceding dissolution.

**55.** All assessments imposed by the Council of the then Corporation for the year next before the year in which the new Corporation is formed by separation therefrom, shall belong to



the then Corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former Corporation shall continue to be levied by the new Corporation; and the Treasurer of the new Corporation shall pay over the amount as received to the Treasurer of the Senior or remaining Municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the Senior or remaining Municipality. 36 V. c. 48, s. 56.

Special rates for debts continued and to be paid over by treasurer of the junior county.

**56.** In case the amount so paid over as in the last preceding section provided, or to any creditor of the Senior or remaining Municipality, in respect of a liability of the former Corporation, exceeds the sum which, by the agreement or award between the Councils, the new Corporation ought to pay, the excess may be recovered against the Senior or remaining Municipality as for money paid or as for money had and received, as the case may be. 36 V. c. 48, s. 57.

If the sum paid over exceeds the just amount, the excess may be recovered.

Form of action

**57.** In case any Village is incorporated, or any Village or Town is erected into a Town or City, or any Township or County becomes separated, the Council and the members thereof having authority in the locality or Municipality immediately previous, shall, until the Council for the Corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or Municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 36 V. c. 48, s. 58.

Former council and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

**58.** The separation of a Junior County or Township from a Union of Counties or Townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the Union who continues a public officer of the Senior County or Township or remaining Counties or Townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the Senior County or Township, or remaining Counties or Townships. 36 V. c. 48, s. 59.

Effect of separation upon public officers and their sureties.

**59.** All such public officers shall, after the separation, be the officers of the Senior County or Township, or remaining Counties or Townships, as if they had originally been respectively appointed public officers for such Senior County or Township or for such remaining Counties or Townships only. 36 V. c. 48, s. 60.

Further as to officers, and

**60.** All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such Senior County or Township, or of such

Their sureties.

Right to new  
sureties not  
affected.

remaining Counties or Townships, and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the Senior or remaining County or Counties, or Township or Townships; but nothing herein contained shall affect the right of new securities being required to be given by any Sheriff or by any Clerk or Bailiff, or other public officer, under any statute, or otherwise howsoever. 36 V. c. 48, s. 61.

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## PART II.

### MUNICIPAL COUNCILS, HOW COMPOSED.

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TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

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#### TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES.

DIV. III.—IN TOWNS.

DIV. IV.—IN VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL CORPORATIONS.

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#### DIVISION I.—IN COUNTIES.

*Councils. Sec. 61.*

*Certificate of Qualification. Secs. 62–64.*

Counties.

**61.** The Council of every County shall consist of the Reeves and Deputy Reeves of the Townships and Villages within the County, and of any Towns within the County which have not withdrawn from the jurisdiction of the Council of the County, and one of the Reeves or Deputy Reeves shall be the Warden. 36 V. c. 48, s. 62.

**62.** No Reeve or Deputy Reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a certificate of the Township, Village or Town Clerk, under his hand, and the seal of the Municipal Corporation, that such Reeve or Deputy Reeve was duly elected, and has made and subscribed the declarations of office and qualification as such Reeve or Deputy Reeve; nor in case of a Deputy Reeve, until he has also filed with the Clerk of the County an affirmation or declaration of the Clerk or other person having the legal custody of the last revised assessment rolls for the Municipality which he represents, that there appear upon such rolls the names of at least five hundred freeholders and householders in the Municipality, possessing the same property qualification as voters, for the first Deputy Reeve elected for such Municipality, and that no alteration reducing the limits of the Municipality, and the number of persons possessing the same property qualification as voters, below five hundred for each additional Deputy Reeve, has taken place since the said rolls were last revised. 36 V. c. 48, s. 63.

County Councils.  
  
Certificates as to election and number of freeholders and householders to be filed by Reeves and Deputy Reeves.

**63.** The certificate firstly above-mentioned may be in the following form :—

Form of certificate as to election, &c.

I, A. B., of \_\_\_\_\_, Clerk of the Corporation of the Township (Town or Village, as the case may be) of \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby, under my hand and the seal of the said Corporation, certify that C. D., of \_\_\_\_\_, Esquire, was duly elected Reeve (or Deputy Reeve, as the case may be) of the said Township (Town or Village, as the case may be), and has made and subscribed the declarations of office and qualification as such Reeve (or Deputy Reeve, as the case may be).

Given under my hand and the seal of the said Corporation of \_\_\_\_\_ at \_\_\_\_\_, in the said Township (Town or Village, as the case may be), this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

{ Seal of the }  
{ Municipal }  
{ Corporation. }  
\_\_\_\_\_ A. B.,  
Township (Town or Village) Clerk.

36 V. c. 48, s. 64.

**64.** The certificate secondly above-mentioned may be in the following form :—

Form of certificate as to number of freeholders and householders.

I, A. B., of \_\_\_\_\_, Gentleman, Clerk of the Township (Town or Village, as the case may be) of \_\_\_\_\_, in the \_\_\_\_\_ County of \_\_\_\_\_ do hereby declare and affirm as follows :—

- (1.) That I am the person having the legal custody of the last revised assessment roll for the said Township (Town or Village, as the case may be).
- (2.) That there appear upon the said roll the names of at least \_\_\_\_\_ hundred (five hundred for each Deputy Reeve) freeholders and householders in the said Township (Town or Village, as the case may be), possessing the same property qualification as voters.

(3.) That no alteration reducing the limits of the said Municipality, and the number of persons possessing the same property qualification as voters below hundred (*five hundred for each Deputy Reeve*), has taken place since the said roll was last revised.

A. B.

36 V. c. 48, s. 65.

## DIVISION II.—IN CITIES.

### *Councils.—Sec. 65.*

Cities.

**65.** The Council of every City shall consist of the Mayor, who shall be the head thereof, and three Aldermen for every Ward, to be elected in accordance with the provisions of this Act. 36 V. c. 48, s. 66.

## DIVISION III.—IN TOWNS.

### *Councils.—Sec. 66.*

Towns.

**66.** The Council of every Town shall consist of the Mayor, who shall be the head thereof, and of three Councillors for every Ward where there are less than five Wards, and of two Councillors for each Ward where there are five or more Wards; and if the Town has not withdrawn from the jurisdiction of the Council of the County in which it lies, then a Reeve shall be added, and if the Town had the names of five hundred freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to be voters), then a Deputy Reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional Deputy Reeve. 36 V. c. 48, s. 67.

## DIVISION IV.—IN INCORPORATED VILLAGES.

### *Councils.—Sec. 67.*

Incorporated villages.

**67.** The Council of every incorporated Village shall consist of one Reeve, who shall be the head thereof, and four Councillors, and if the Village had the names of five hundred freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then of a Reeve, Deputy Reeve and three Councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll (notwith-



standing that such persons may not be entitled to be voters), there shall be elected an additional Deputy Reeve instead of a Councillor. 36 V. c. 48, s. 68; 39 V. c. 7, s. 18.

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DIVISION V.—IN TOWNSHIPS.

*Councils.—Sec. 68.*

**68.** The Council of every Township shall consist of a Reeve, Township, who shall be the head thereof, and four Councillors, one Councillor being elected for each Ward where the Township is divided into Wards, and the Reeve to be elected by a general vote; but if the Township had the names of five hundred freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then the Council shall consist of a Reeve, Deputy Reeve, and three Councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional Deputy Reeve instead of a Councillor. 36 V. c. 48, s. 69; 39 V. c. 7, s. 18.

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DIVISION VI.—IN PROVISIONAL CORPORATIONS.

*Councils.—Sec. 69.*

**69.** The Reeves and Deputy Reeves of the Municipalities Provisional within a Junior County for which a Provisional Council is established, shall *ex officio* be the members of the Provisional Council, 36 V. c. 48, s. 70. Provisional council is composed.

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TITLE II.—QUALIFICATION, DISQUALIFICATION,  
AND EXEMPTIONS.

DIV. I.—QUALIFICATION.

DIV. II.—DISQUALIFICATION.

DIV. III.—EXEMPTIONS.

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DIV. I.—QUALIFICATION.

*In each Municipality. Sec. 70.*

*Nature of Estate to be possessed. Sec. 71.*

*Where no Assessment Roll. Sec. 72.*

*Where only one qualified person. Sec 73.*

Qualification  
of officers, &c.

**70.** The persons qualified to be elected Mayors, Aldermen Reeves, Deputy Reeves, and Councillors of any Municipality shall be such persons as reside within the Municipality, or within two miles thereof, and are natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of the Municipality to at least the value following:—

In incorporated villages, (1) In incorporated Villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars;

In towns; (2) In Town —Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars;

In cities; (3) In Cities—Freehold to one thousand five hundred dollars or leasehold to three thousand dollars;

In townships; (4) In Townships—Freehold to four hundred dollars, or leasehold to eight hundred dollars;

Property of different kinds. And so in the same proportions in all Municipalities, in case the property is partly freehold and partly leasehold. 36 V. c. 48, s. 71.

“Leasehold” defined. **71.** The term “Leasehold” in the foregoing section shall not include a term less than a tenancy for a year, or from year to year; and the qualification of all persons, where a qualification

Nature of estate. is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. 36 V. c. 48, s. 72.

In new township not having assessment roll. **72.** In case of a new Township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 36 V. c. 48, s. 73.

If only one person be qualified. **73.** In case in a Municipality there are not at least two persons qualified to be elected for each seat in the Council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 36 V. c. 48, s. 74.

## DIVISION II.—DISQUALIFICATION.

*Persons disqualified Sec. 74.*

**74.** No Judge of any Court of civil jurisdiction, no Gaoler or Keeper of a House of Correction, no Sheriff, Deputy Sheriff, Sheriff's Bailiff, High Bailiff or Chief Constable of any City or Town, Assessor, Collector, Treasurer, or Clerk of any Municipality, no Bailiff of any Division Court, no County Crown Attorney, no Registrar, no Deputy Clerk of the Crown, no Clerk of the County Court, no Clerk of the Peace, no Inn-keeper or Saloonkeeper, or Shopkeeper, licensed to sell spirituous liquors by retail, and no person having by himself or his partner an interest in any contract with or on behalf of the Corporation, shall be qualified to be a member of the Council of any Municipal Corporation:

Persons disqualified from being councilors, &c.

2. But no person shall be held to be disqualified from being elected a member of the Council of any Municipal Corporation by reason of his being a shareholder in any incorporated Company having dealings or contracts with the Council of such Municipal Corporation, or by having a lease of twenty-one years or upwards, of any property from the Corporation, but no such leaseholder shall vote in the Council on any question affecting any lease from the Corporation, and no such shareholder on any question affecting the Company. 36 V. c. 48, s. 75.

Proviso: as to shareholders in companies having dealings with corporations and lessees for 21 years from corporation.

## DIVISION III.—EXEMPTIONS.

*Officials and Persons exempted. Sec. 75.*

**75.** All persons over sixty years of age, all Members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil service of the Crown, all Judges not disqualified by the last preceding section, all Coroners, all persons in Priests' orders, Clergymen and Ministers of the Gospel of every denomination, all members of the Law Society of Ontario, whether Barristers or Students, all Attorneys and Solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession, whether Physicians or Surgeons, all Professors, Masters, Teachers and other members of any University, College, or School in Ontario, and all officers and servants thereof, all Millers, and all Firemen belonging to an authorized Fire Company—are exempt from being elected or appointed members of a Municipal Council, or to any other municipal office. 36 V. c. 48, s. 76.. See also as to Firemen, Rev. Stat. c. 178, ss. 2-4.

Exemptions.

## PART III.

### OF MUNICIPAL ELECTIONS.

#### TITLE I.—ELECTORS.

#### TITLE II.—ELECTIONS.

#### TITLE I.—ELECTORS.

##### DIVISION I.—QUALIFICATION.

*Freehold, Household, Income, or Farmers' Son. Sec. 76.*

*Amount of rating requisite. Sec. 77.*

*Persons in default for non-payment of taxes. Sec. 78.*

*Voter must be named on list of electors. Sec. 79.*

*Where no Assessment Roll. Sec. 80.*

*Case of new Territory added. Secs. 81.*

*Joint or several rating on same property provided for. Secs. 82, 83.*

*Householder, definition of. Sec. 84.*

Qualification  
of electors.

**76.** Subject to the provisions of the next eight sections the right of voting at municipal elections shall belong to the following persons, being males of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated to the amount hereinafter provided on the revised assessment roll upon which the voters' list used at the election is based of the Municipality, for real property held in their own right or in the right of their wives, or for income, and having received no reward and having no expectation of reward for voting:

Freeholders.

*Firstly.* All persons, whether resident or not, who are at the date of the election freeholders of the Municipality either in their own right or in the right of their wives;

Householders  
and tenants.

*Secondly.* All residents of the Municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the Municipality;

Income voters.

*Thirdly.* All residents of the Municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profes-



sion, of not less than four hundred dollars. 36 V. c. 48, s. 77 ;  
37 V. c. 3, s. 1.

*Fourthly*—All residents of the Municipality at the date of Farmers' Sons the election who are farmers' sons, and have resided in the Municipality on the farm of their father or mother for twelve months next prior to the return by the Assessors of the assessment roll on which the voters' list used at the election is based. 40 V. c. 9, s. 3.

2. If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote. 40 V. c. 9, s. 2.

When more than one son so resident.

3. If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such farm. 40 V. c. 9, s. 2.

4. Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. 40. V. c. 9, s. 3.

Temporary absence.

5. In this and the four next preceding clauses :

"Farm" shall mean land actually occupied by the owner thereof and not less in quantity than twenty acres ;

Interpretation.

"Son" or "Sons" or "Farmers' Son" or "Farmers' Sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm ;

"Father" shall include stepfather ;

"Election" shall mean an election for a member to a Municipal Council ;

"To vote" shall mean to vote at an election ; and

"Owner" shall mean proprietor in his own right or in the right of his wife of an estate for life or any greater estate either legal or equitable, except where the owner is a widow and in

such latter case the word "owner" shall mean proprietor in her own right of any such estate. 40 V. c. 9, s. 1.

Amount of  
rating neces-  
sary.

**77.** In order to entitle any person to vote as aforesaid in respect of real property, such property whether freehold or household or partly each, must be rated at an actual value of not less than the following:

In Townships—One hundred dollars.

In Incorporated Villages—Two hundred dollars.

In Towns—Three hundred dollars.

In Cities—Four hundred dollars. 36 V. c. 48, s. 78.

Persons in de-  
fault for non-  
payment of  
taxes not to  
vote.

**78.** No person who has been returned by the Treasurer or Collector under section one hundred and fifteen as in default for non-payment of his taxes on or before the fourteenth day of December next preceding any election, shall be entitled to vote in respect of income in any Municipality or in respect of real property in Municipalities which have passed by-laws under sections four hundred and sixty-one, subsection two. 36 V. c. 48, s. 77; *See* 38 V. c. 28, s. 8; *and* 39 V. c. 5, s. 9.

Elector must  
be named in  
voter's list.

No question of  
qualification to  
be raised.

**79.** Except in the case of a new Municipality, for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the said list of voters. 36 V. c. 48, s. 77; 40 V. c. 12, s. 20; *See* 37 V. c. 3, s. 1.

In newly erect-  
ed municipali-  
ties not having  
any assessment  
roll.

**80.** At the first election of a new Municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. *See* 36 V. c. 48, s. 79.

The case of new  
territory added  
to city, town  
or village, or a  
new city, town  
or village erect-  
ed with added  
territory, and  
no voters  
lists including  
such new ter-  
ritory.

**81.** Where any territory is added for municipal purposes to any City, Town or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or in case a new Village is formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged City, Town or Village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the City, Town or Village, or if such Town or Village had not been erected into a City or Town, or if such Village had not been formed, shall be

entitled to vote in the City, Town or Village at such election.  
38 V.c. 3, s. 16.

**82.** In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 36 V. c. 48, s. 82.

When owner and occupant severally assessed, both rated.

**83.** Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 36 V. c. 48, s. 83.

When joint owners or occupants rated, rating to be equally divided.

**84.** Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 36 V. c. 48, s. 84.

“Householder” defined.

TITLE II.—ELECTIONS.

- DIV. I.—TIME AND PLACE OF HOLDING.
- DIV. II.—RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS.
- DIV. III.—OATHS TO BE TAKEN.
- DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.
- DIV. V.—THE POLL.
- DIV. VI.—MISCELLANEOUS PROVISIONS.
- DIV. VII.—VACANCIES IN COUNCIL.
- DIV. VIII.—CONTROVERTED ELECTIONS.
- DIV. IX.—PREVENTION OF CORRUPT PRACTICES,

DIVISION I.—TIME AND PLACE OF HOLDING.

- Time in the respective Municipalities. Sec. 85.*
- In new or altered Municipalities. Sec. 86.*
- Place, how fixed. Sec. 87.*
- In case of separated Townships. Secs. 88, 89.*
- Election Divisions. Secs. 90, 91.*
- Election to be held in Municipality. Sec. 92.*
- Where Elections may not be held. Sec. 93.*

**85.** The electors of every Municipality (except a County) shall elect annually, on the first Monday in January, the members of the Council of the Municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council is organized. 36 V. c. 48, s. 85.

Elections to be held annually for members of council of municipalities (except counties). Terms of office

First elections where corporations are newly erected or extended.

Times of elections.

Place to be fixed by by-law of municipalities.

First election in junior townships after separation.

Existing ward divisions in united townships to cease on dissolution of union.

Election of reeves, &c., in townships and incorporated villages to be by general vote.

**86.** In case of the incorporation of a new Township or Union of Townships; or of the separation of a Junior Township from a Union of Townships; or of the erection of a locality into an incorporated Village; or of the erection of a Village into a Town or of a Town into a City; or of an additional tract of land being added to an incorporated Village, Town or City, or in case of a new division into Wards of a Town or City, the first election under the proclamation or by-law by which the change was effected shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. 36 V. c. 48, s. 86; 40 V. c. 8, s. 49.

**87.** The Council of every City, Town and Village Municipality (including a Village newly erected into a Town, and a Town newly erected into a City), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the Municipality or Wards or polling subdivisions was held. 36 V. c. 48, s. 87.

**88.** When in any year a Junior Township of a Union has one hundred resident freeholders and householders on the then last revised assessment roll, the Council of the County shall, by a by-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of Councillors in the Township, and appoint a Returning Officer for holding the same, and otherwise provide for the due holding of the election according to law. 36 V. c. 48, s. 88.

**89.** In case of the separation of a Union of Townships, the existing division into Wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of Councillors shall be by general vote, until the Township or Townships are divided into polling subdivisions or Wards under the provisions of this Act. 36 V. c. 48, s. 89.

**90.** The election in Townships and incorporated Villages of Councillors, Deputy Reeves and Councillors, shall be by general vote, except in the case of Deputy Reeves and Councillors in Townships divided into Wards, and shall be held at the place or places where the last meeting of the Council was held, or in such other place or places as may be from time to time fixed by by-law. 36 V. c. 48, s. 90.



**91.** In case a majority of the qualified electors of a Township on the last revised assessment roll petition the Council of the Township to divide the Township into Wards, or to abolish or alter any then existing division into Wards, the Council shall, within one month thereafter, pass a by-law to give effect to such petition; and if such petition is for division into Wards, shall divide such Township into Wards, having regard to the number of electors in each Ward, being as nearly equal as may be, and the number of Wards for municipal purposes shall be four in all cases; and where the Township is divided into Wards, and is entitled to one or more Deputy Reeves, the Councilors shall, at their first meeting, elect from among themselves such Deputy Reeve or Reeves. 36 V. c. 48, s. 91.

Upon petition the council may, by by-law, divide townships into wards, &c.

Election of deputy-reeves, &c., in such case.

**92.** Every election shall be held in the Municipality to which the same relates. 36 V. c. 48, s. 92.

Election, where to be held.

**93.** No election of Township Councilors shall be held within any City, Town or incorporated Village, nor shall any election for a Municipality, or any Ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 36 V. c. 48, s. 93.

Not to be held in taverns, &c.

## DIVISION II.—RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS.

*Appointment when election by polling subdivisions.* Sec. 94.

*When not, Who ex officio.* Sec. 95.

*Absence, provision for.* Sec. 96.

*Authority of.* Secs. 97, 98.

*Special Constables.* Sec. 98.

**94.** The Council of every Municipality in which the election is to be made by Wards or polling subdivisions, shall, from time to time, by by-law appoint:—

By-law for an election.

(a) The places for holding the nominations for each Wards;

(b) The Returning Officers who shall respectively hold the nominations for each Ward;

(c) The places at which polls will be opened in the Municipality in case a poll is required;

(d) The Deputy Returning Officers who shall preside at the respective polling places. 36 V. c. 48, s. 94; 37 V. c. 16, s. 4.

2. The Clerk of the Municipality shall be the Returning Officer for the whole Municipality, and in the case of a poll being required, the Deputy Returning Officers shall make to him the returns for their respective Wards or polling subdivisions, *See* 40 V. c. 12 s. 13.

Returning officer for elections not by wards or polling subdivisions.

**95.** In the case of a Municipality in which the election is not to be by Wards or polling subdivisions, the Clerk shall be the Returning Officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to Deputy Returning Officers. 36 V. c. 48, s. 95; *See* 40 V. c. 12, s. 13.

The absence of the returning officer or deputy returning officer provided for.

**96.** In case, at the time appointed for holding a nomination or poll, the person appointed to be Returning Officer or Deputy Returning Officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no Returning Officer or Deputy Returning Officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a Returning Officer or Deputy Returning Officer, and such Returning Officer or Deputy Returning Officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a Returning Officer or Deputy Returning officer. 36 V. c. 48, s. 96.

Returning officers and deputy returning officers to be conservators of the peace; their powers.

**97.** Every Returning Officer and Deputy Returning Officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the City or County in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the Municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the Returning Officer, or Deputy Returning Officer, or Justice of the Peace. 36 V. c. 48, s. 97.

Special constables may be sworn in.

**98.** Every Returning Officer, or Deputy Returning Officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a Returning Officer or Deputy Returning Officer, or Justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 36 V. c. 48, s. 98.

## DIVISION III.—OATHS.

*In case of freeholders. Sec. 99.*

*In case of householder or tenant. Sec. 100.*

*In case of a person voting on income. Sec. 101.*

*In case of a person voting as a farmer's son. Sec. 102.*

*Administering. Sec. 103.*

**99.** The only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to the like effect :—

Oaths, etc., that may be put to person claiming to vote as a freeholder.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shown to you (*showing the list to the voter*);

That you are a freeholder in your own right (or right of your wife, as the case may require);

That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve as the case may be);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God.

(*In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*)

In new Municipality where no assessment roll.

36 V. c. 48, s. 99; 40 V. c. 8, s. 50.

**100.** The oath or affirmation to be required of any person claiming to vote as householder or tenant, shall be as follows, or to the like effect :—

Oath of householders or tenants.

You swear (or solemnly affirm) that you are the person named or purporting to be named on the list (or supplementary list) of voters now shown to you (*showing the list to the voter*);

That on the day of 18 (*the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction, of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, possessed to your own use and benefit, as tenant or occupant, of the real estate in respect of which your name is entered on the said list;

That you are (or your wife is) a householder or tenant within this Municipality;

That you have been resident within this Municipality for one month next before this election;

That you are a natural-born (or naturalized) subject of Her Majesty and of the full age of twenty-one years ;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place ;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve as the case may be) ;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God.

In new Municipality where no assessment roll.

(*In the case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.*)

37 V. c. 16, s. 2 ; 40 V. c. 8, s. 50 ; 40 V. c. 12, s. 15.

Oath of voters on income.

**101.** The oath or affirmation to be required of any person claiming to vote in respect of income shall be as follows :

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of ) on the list (or supplementary list) of voters now shown to you (showing the list to voter) ;

That on the day of 18 (the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town or Village, as the case may be) ;

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than four hundred dollars ;

That you are a subject of Her Majesty by birth (or naturalization, as the case may be) ; and are of the full age of twenty-one years ;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place ;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve or Deputy Reeve, as the case may be) ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election : So help you God.

37 V. c. 3, s. 4 ; 39 V. c. 5, s. 7 ; 40 V. c. 12, s. 16.

Form of oath of farmer's son.

**102.** The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows :—

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of ) in the list (or sup-



plementary list) of voters now shown to you (*showing the list to the voter*);

That on the                      day of                      , 18    (*the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction, of the assessment roll upon which the voters' list used at the election is based, as the case requires, A. B. (naming him or her), was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters*;

That you are a son of the said A. B.;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all;

That you are still a resident of this Municipality, and entitled to vote at this election;

That you are a subject of Her Majesty by birth (*or naturalization as the case may be*); and are of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling-place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy-Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve, or Deputy Reeve *as the case may be*);

That you have not received anything, nor has anything been promised you directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election:

So help you God.

40 V. c. 9, s. 9.

**103.** Such oaths or affirmations shall be administered by the Returning Officer or Deputy Returning Officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 36 V. c. 48, s. 101.

When and how oaths are to be administered.

#### DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

*Nomination Meetings.* Secs. 104, 106, 107.

*Presiding Officer.* Secs. 105, 107, 110.

*Provision for Christmas Day.* Sec. 108.

*Interval between Nomination and Election in case of remote Townships.* Sec. 109.

*Notice of Nomination.* Sec. 111.

*Proceedings at Nomination.* Sec. 112.

*Resignations—Notification as to Candidates.* Sec. 113.

*Poll, when and where to take place.* Sec. 112.

*Votes to be given by Ballot.* Sec. 114.

*List of Defaulters in payment of Taxes.* Sec. 115.

*Ballot Boxes.* Sec. 116.

*Ballot Papers.* Secs. 117, 118, 119, 120.

*Polling Places.* Sec. 121.

*What to be furnished to Deputy Returning Officers.* Secs. 120, 122, 125, 127, 128, 132.

*Placards to be posted.* Sec. 123.

*Voters' and Defaulters' Lists.* Secs. 124-130.

*Certificates as to the Assessment Roll.* Sec. 131.

*Where Electors to vote.* Secs. 133-137.

Annual meeting for nomination of mayor, reeve, deputy reeve, etc.

**104.** A meeting of the electors shall take place for the nomination of candidates for the office of Mayor in Cities, and for Mayor, Reeve and Deputy Reeves in Towns, at the hall of the Municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the Deputy Reeves shall be designated as first, second, third, &c., according to the number to be elected. 36 V. c. 48, s. 102.

The Clerk to preside.

**105.** The Clerk of the Municipality shall be the Returning Officer to preside at such meeting, or in case of his absence, the Council shall appoint a person to preside in his place; and if the Clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves, and such Clerk or chairman shall have all the powers of a Returning Officer. 36 V. c. 48, s. 103.

Chairman

Nomination meetings in cities, towns, etc.

**106.** A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen in Cities, Councillors in Towns, and of Reeves, Deputy Reeves and Councillors in Townships not divided into Wards, and incorporated Villages at noon, on the last Monday in December, annually, at such place therein, and in Cities and Towns, at such places in each Ward thereof, as may from time to time be fixed by by-law, and the Deputy Reeves shall be designated as first, second, third or fourth, according to the number to be elected. 37 V. c. 16, s. 3.

In townships divided into wards.

**107.** In Townships divided into Wards, the nomination of candidates for the office of Reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the Township as may from time to time be fixed by by-law, and the Township Clerk shall preside; the nomination of candidates for the office of Councillor, to be elected for each Ward, shall take place at noon, at such place in the Township or in each Ward as may be fixed by by-law. 37 V. c. 16, s. 3.

If nomination day falls on Christmas Day.

**108.** When the last Monday in December happens to be Christmas Day, the nomination of candidates for the offices of Mayor and Aldermen in Cities, and of Mayor, Reeve, Deputy Reeve and Councillors in other Municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. 39 V. c. 7, s. 20.

County council may by by-law, lengthen time between

**109.** Every County Council may, by by-law, made on or before the first day of July in any year provide that the day for the nomination of candidates for Reeve, Deputy Reeves, and

Councillors in Townships situate in remote parts of the County shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such Townships.

nomination and polling in remote townships.

2. Forthwith, after the passing of such by-law, the County Clerk shall transmit a copy thereof to the Clerks of the Townships to which the same relates. 40 V. c. 8, s. 48.

Copy of by-law to be sent to townships affected.

**110.** The Returning Officer appointed for each Ward, as in the ninety-fourth section mentioned or the Clerk as the case may be shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. 36 V. c. 48, s. 105, *part.*

Presiding officer.

**111.** The Clerk or other Returning Officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. 36 V. c. 48, s. 105, *part.*

Notice of nomination meeting.

**112.** At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if no other candidate but one for any particular office is proposed, the Clerk or other Returning Officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the Clerk or other Returning Officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each Ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said Councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. 36 V. c. 48, s. 106.

Nomination and proceedings incident thereto.

**113.** At the nomination meeting, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default, he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the Clerk or other Returning Officer or chairman shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality the names of the persons proposed for the respective offices. 36 V. c. 48, s. 108.

Any person proposed may resign, etc.; in default to be taken as nominated.

Notices of person proposed.

**114.** In case of a poll at an election of persons to serve in Municipal Councils, the votes shall be given by ballot. 38 V. c. 28, s. 1.

Votes to be by ballot.

*Preparation of Defaulters Lists.*

List of defaulters in payment of taxes.

**115.** On or before the day of nomination of candidates, if the Collectors's roll has been returned to the Treasurer of the Municipality, the Treasurer shall prepare and verify on oath, or if the Collector's roll has not been so returned, the Collector shall prepare and verify on oath, a correct alphabetical list of—

(a) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the fourteenth day of December preceding the election; and

(b) (In Municipalities which have passed by-laws under subsection two of section four hundred and sixty-one of this Act, all persons on the voters's list (that is to say the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the fourteenth day of December preceding the election. 40 V. c. 12, s. 6.

List to be made for each polling division.

2. Where a Municipality is divided into polling sub-divisions, such a list of defaulters shall be made for each polling sub-division. 40 V. c. 12, s. 7.

Certified copies to be furnished.

3. The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. 40 V. c. 12, s. 8.

*Ballot Boxes.*

Ballot boxes to be furnished.

**116.** Wherever a poll is required, the Clerk of the Municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are Wards or polling subdivisions within the Municipality.

How made.

2. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to deputy returning officers.

3. When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the Clerk of the Municipality, two days at least before the polling day, to deliver one of the ballot boxes to every Deputy Returning Officer appointed for the purposes of the election.

Delivery to clerk for future elections.

4. The ballot boxes, when returned to the Clerk after the election, shall be preserved by him for use at elections for the



Municipality; and it shall be the duty of the Clerk to have ready for use, at all times, as many ballot boxes as there are Wards or polling subdivisions in the Municipality.

5. If the Clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of one hundred dollars in respect of every ballot box which he has failed to furnish in the manner prescribed. Penalty on failure to furnish boxes.

6. It shall be the duty of the Deputy Returning Officer in every Ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the Treasurer of the Municipality in which such Ward or polling subdivision is situate for the cost of the ballot box, and the Treasurer shall pay to the Deputy Returning Officer the amount of the order Deputy returning officers may procure boxes. 38 V. c. 28, s. 2.

### *Ballot Papers.*

117. Where a poll is required, the Clerk of the Municipality shall forthwith cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the election. Ballot papers to be printed.

2. Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. 38 V. c. 28, s. 3. Contents and form of ballot papers.

118. The names of the candidates for Mayor in Cities, and for Mayor, Reeve and Deputy Reeve in Towns, shall not be included in the same ballot paper with the names of the candidates for Aldermen and Councillors respectively; but Different sets of ballot papers to be prepared.

2. In Cities one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the candidates for Mayor, and another kind or set shall be prepared for each Ward or polling subdivision containing the names of the candidates for Aldermen in the Ward; and In cities.

3. In Towns one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the candidates for Mayor and Reeve and Deputy Reeve, and another kind or set shall be prepared for each Ward or polling subdivision, containing the names of the candidates for Councillors in the Ward; and In towns.

4. In Townships divided into Wards, one kind or set of Townships

divided into wards.

ballot papers shall be prepared for all the Wards, containing the names of the candidates for Reeve, and another kind or set shall be prepared for each Ward, containing the names of the candidates for Councillors in the Ward. 39 V. c. 5, s. 1.

Form of ballot papers.

**119.** The ballot papers shall be in the form of Schedule A to this Act. 39 V. c. 5, s. 2.

### *Polling Places.*

Clerk to furnish deputy returning officers with ballot papers, etc.

**120.** In case of Municipalities which are divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer the ballot papers which have been prepared for use in the Ward or polling subdivision for which such Deputy Returning Officer has been appointed to act, and shall also furnish to the Deputy Returning Officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the Deputy Returning Officer for the convenient use of voters. 38 V. c. 28, s. 5.

Compartments wherein voters may mark votes.

**121.** Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the Clerk of the Municipality and Deputy Returning Officers respectively, to see that a proper compartment for that purpose is provided at each polling place. 38 V. c. 28 s. 4.

### *Directions to Voters.*

Clerk to furnish deputy returning officer with directions for voters' guidance.

**122.** In case of Municipalities divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer such a number of printed directions, for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act. 38 V. c. 28, s. 6.

Deputy returning officers to placard the directions.

**123.** Every Deputy Returning Officer shall before the opening of the poll, or immediately after he has received such printed directions from the Clerk of the Municipality, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 38 V. c. 28, s. 7.

*Voters' and Defaulters' Lists.*

**124.** Subject to the provisions of the three next sections, the proper voters' list to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under *Rev. Stat. c. 9. "The Voters' Lists Act."* 40 V. c. 12, s. 20.

**125.** For the first election of a new Municipality for which there is no separate assessment roll, the Clerk of the Municipality shall provide each Deputy Returning Officer with a poll book, prepared according to the form of Schedule C. to this Act instead of a voters' list, and either the Deputy Returning Officer or his sworn Poll Clerk shall therein enter, in the proper column, the names of each person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. *See* 36 V. c. 48, s. 79; 38 V. c. 28, s. 8; *and* 39 V. c. 5, s. 9.

**126.** Where any territory is added for municipal purposes, to any City, Town, or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or where a new Village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases, the Clerk of the new or enlarged City, Town, or Village, shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the City, Town, or Village if such territory had remained separate from the City, Town, or Village, from the last filed or certified voters' list of the Municipality or Municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

2. Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the Clerk, and delivered by him to the proper Deputy Returning Officers for the purpose of enabling the persons named in such lists to vote at the election. 38 V. c. 3, ss. 16, 17; *See* 36 V. c. 48, s. 79.

**127.** In any Municipality for which there is a separate assessment roll, but for which no voters' list for the Municipality has been filed with the Clerk of the Peace or certified by the County Judge under "*The Voters' Lists Act*," the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every or any Ward

Proper voters' list to be used at an election.

Rev. Stat. c. 9.

For first election in new municipality.

Voter's lists in cases under section 81.

List of Voters.

Rev. Stat. c. 9.

or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that Ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand;

Persons in arrears for taxes shall be excluded from list.

## 2. In the case of

### (a.) Income voters, and

(b) Persons assessed for real property, if the Municipality has passed a by-law under sub-section two of section four hundred and sixty-one of this Act,

the Clerk shall exclude from such list such persons as may be returned to him by the Treasurer as being in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. 38 V. c. 28, s. 8; 39 V. c. 5, s. 6 (1) & s. 9.

Delivery of copies of voters' list and defaulters' list to deputy returning officers.

**128.** In the case of Municipalities which are divided into Wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, deliver to the Deputy Returning Officer for each Ward or polling sub-division, a copy, according to the form of Schedule C to this Act, certified to be correct, of the proper list of voters for the Ward or polling sub-division under the one hundred and twenty-fourth and following sections; and also a copy of the proper defaulters' list for the polling sub-division, certified by the Treasurer or Collector pursuant to section one hundred and fifteen of this Act. 40 V. c. 12, s. 9. See 39 V. c. 5, s. 5 2.

Copies may be obtained from Clerk of Peace.

**129.** The copies of the voters' lists in the last section mentioned, may be prepared by the Clerk of the Municipality, or may be procured from the Clerk of the Peace, if filed under "*The Voters' Lists Act*," and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. 40 V. c. 12, s. 10.

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

**130.** The defaulters' lists furnished and verified by the Treasurer or Collector as aforesaid, shall be the evidence on which the Deputy Returning Officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section one hundred and fifteen of this Act. 40 V. c. 12, s. 11.

### *Certificates as to Assessment Roll.*

Clerk to give certificate of rates of re-

**131.** The Clerk of the Municipality shall before the opening of the poll, deliver or cause to be delivered to every Deputy



Returning Officer a certificate (which may be in the form of Schedule D to this Act), of (1) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the Assessor, and also (2) of the day when the said assessment roll was finally revised and corrected.

turn and final  
revision of  
assessment  
roll.

2. The Clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of two hundred dollars in case of neglect or refusal.

3. Such certificate, when delivered to the Deputy Returning Officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be.

4. An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court in case of an appeal, as provided by "*The Assessment Act*," or when the time during which such appeal may be made has elapsed, and not before. 40 V. c. 12, s. 12.

To be evidence  
of such date at  
the poll.  
Rev. Stat. c.  
180.

**132.** In case of Municipalities which are not divided into Wards or polling subdivisions, the Clerk shall perform the duties which in other cases are performed by Deputy Returning Officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to Deputy Returning Officers; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon a Deputy Returning Officer in respect of a Ward or polling subdivision. 38 V. c. 28, s. 9; 40 V. c. 12, s. 14 (2).

Municipalities  
not divided  
into wards or  
polling sub-  
divisions, clerk  
to perform du-  
ties of deputy  
returning offi-  
cers.

*Where Electors to vote.*

**133.** In Towns and Cities, every elector may vote in each Ward in which he has been rated for the necessary property qualification, but in case of Mayor of Cities, Mayor, Reeve or Deputy Reeve of Towns, the elector is limited to one vote. 36 V. c. 48, s. 80.

When electors  
shall vote in  
towns and  
cities.

**134.** In Townships and incorporated Villages divided into Wards or polling subdivisions, no elector shall vote in more than one Ward or polling subdivision for the same candidate. 36 V. c. 48, s. 81.

When electors  
may vote in  
townships and  
villages.

Where persons are to vote for mayor reeve, and deputy reeve.

**135.** Every elector who is entitled to a vote in more than one Ward or polling subdivision shall vote for Mayor in Cities, and for Mayor, Reeve and Deputy Reeve in Towns, and for Reeve in Townships divided into Wards, at the polling place of the Ward or polling subdivision in which he is resident, if qualified to vote therein; or otherwise where he first votes, and there only. 39 V. c. 5, s. 3.

Penalty for voting twice for mayor, reeve or deputy reeve.

**136.** Any person who votes for Mayor, Reeve, or in Towns or Townships for Deputy Reeve, after having already voted for Mayor, Reeve or Deputy Reeve at some other polling place at that election, shall incur a penalty of fifty dollars, to be recovered, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. 39 V. c. 5, s. 4.

Deputy returning officers and agents may vote at polling place where they are employed.

**137.** The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and such certificate shall also state the property or other qualification in respect of which he is entitled to vote.

2. On the production of such certificate, such Deputy Returning Officer, Poll Clerk or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk or agent during the day of polling; nor to vote for Aldermen in Cities, or Councillors in Municipalities divided into Wards, except in the Ward where he would otherwise be entitled so to vote.

Who to administer oath.

3. In case of a Deputy Returning Officer voting at the polling station where he has been appointed, the Poll Clerk appointed to act at such polling place, or in the absence of the Poll Clerk any elector authorized to be present, may administer to such Deputy Returning Officer the oath required by law to be taken by voters. 39 V. c. 5, s. 10.

#### DIVISION V.—THE POLL.

*Ballot box to be exhibited. Sec. 138.*

*How votes to be received. Secs. 139, 140.*

*How ballot paper to be marked. Sec. 141.*

*Exclusion from balloting compartment. Sec. 142.*

*Ballot papers not to be taken away. Sec. 143.*

*Proceedings in case of incapacity to mark ballot. Sec. 144.*

*Ballot paper inadvertently spoiled. Sec. 145.*

*Who may be present in polling place. Sec. 146.*

*Counting the votes—Objections—Statement. Sec. 147.*

*Who may be present at the counting of the votes. Sec. 148.*

*Certificates of state of Poll to be given. Sec. 149.*

*Packets to be made up and returned—Ballot Paper Account—*

*Returns, etc. Sec. 150.*

*Clerk to cast up votes. Sec. 151.*

*And may vote in case of tie. Sec. 152.*

*Provision in case of riot, etc. Secs. 153, 154.*

*Declaration by Clerk. Sec. 155.*

*Oaths of office to be taken. Sec. 156.*

**138.** The Deputy Returning Officer shall, immediately before the commencement of the poll, show the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. 38 V. c. 28, s. 10.

Deputy returning officer to show box empty, lock and seal it.

**139.** Where any person claiming to be entitled to vote presents himself for the purpose of voting, the Deputy Returning Officer shall proceed as follows:

Conduct of deputy returning officer on tender of vote.

1. He shall ascertain that the name of such person is entered, or purports to be entered upon the voters' list for the Ward or polling subdivision for which such Deputy Returning Officer is appointed to act.

Name.

2. He shall record or cause to be recorded in the proper column of the voters' list, the residence and the legal addition of such person.

Recording.

3. If such person shall take the oath or affirmation to be taken by voters in the manner directed by sections ninety-nine to one hundred and two inclusive of this Act, the Deputy Returning Officer shall enter or cause to be entered opposite such person's name, in the proper column of the said voters' list, the word "*Sworn*," or "*Affirmed*," according to the fact.

Required Oath.

4. Where the vote is objected to by any candidate or his agent, the Deputy Returning Officer shall enter the objection, or cause the same to be entered in the voters' list, by writing opposite the name of such person, in the proper column, the

Objection.

words "*Objected to*," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*" the name only of such candidate.

Refusal to take the oath.

5. Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the Deputy Returning Officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list, the words "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact; and the vote of such person shall not be taken or received; and if the Deputy Returning Officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of two hundred dollars.

Deputy returning officer to sign name on ballot paper.

6. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the Deputy Returning Officer shall sign his name or initials upon the back of the ballot paper.

Delivery of paper to voter.

7. The ballot paper shall be delivered to such person,

Deputy returning officer to explain mode of voting

8. The Deputy Returning Officer may, and upon request shall, either personally or through his sworn Poll Clerk, explain to the voter, as concisely as possible, the mode of voting. 38 V. c. 28, s. 11.

Deputy returning officer to state in list that a ballot paper given.

140. The Deputy Returning Officer shall place, or cause to be placed, in the columns of the voters' list, headed "*Mayor*," "*Reeve*" (or "*Mayor and Reeve*") , "*Alderman*," and "*Councillor*," as the case may be, a mark opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for Mayor, Reeve, Alderman or Councillor, as the case may be. 39 V. c. 5, s. 5 (2).

Voting, marking ballot paper.

141. Upon receiving from the Deputy Returning Officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross on the right-hand side, opposite the name of any candidate for whom he desires to vote, thus x; and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the Deputy Returning Officer, and leaving the compartment, shall, without delay, and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of



the candidates for or against whom he has marked his vote, deliver such ballot paper so folded to the Deputy Returning Officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 38 V. c. 28, s. 12.

**142.** While any voter is in any balloting compartment for the purpose of making his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. 38 V. c. 28, s. 13.

Exclusion  
from balloting  
compartment.

**143.** No person who has received a ballot paper from the Deputy Returning Officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the Deputy Returning Officer in the manner prescribed, shall thereby forfeit his right to vote; and the Deputy Returning Officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same, declining to vote, as the case may be; and in the latter case the Deputy Returning Officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as hereinafter directed. 38 V. c. 28, s. 14.

Voter not to  
take his paper  
from polling  
place.

**144.** In case of an application by any person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:—

Proceedings in  
case of incapacity to mark  
paper.

1. The Deputy Returning Officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box.

2. The Deputy Returning Officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the said voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

3. The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the Deputy Returning Officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the Deputy Returning Officer at the time of voting. 38 V. c. 28, s. 15.

Proceedings in case ballot paper cannot be used.

**145.** A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Deputy Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Deputy Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the Deputy Returning Officer shall immediately write the word "*Cancelled*" upon such ballot paper, and preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as hereinafter directed. 38 V. c. 28, s. 16.

Who may be present at polling place.

**146.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks or agents authorized to attend at such polling place, and such voter as is for the time being actually engaged in voting: it shall at all times be lawful for the Deputy Returning Officer to have present or to summon to his assistance in such polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. 38 V. c. 28, s. 17.

Counting the votes.

**147.** Immediately after the close of the poll in every polling place, the Deputy Returning Officer shall, in the presence of the Poll Clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:—

Rejected ballots.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the Deputy Returning Officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the Deputy Returning Officer on the back, is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good

as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for. 38 V. c. 28, s. 18 (1); 40 V. c. 7, *Sched. A.* (169).

2. The Deputy Returning Officer shall take a note of any objection made by any candidate, his agent, or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. 39 V. c. 5, s. 11.

Deputy re-  
turning officer  
to note objec-  
tions taken to  
ballot papers  
at the counting  
the same.

3. Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. 39 V. c. 5, s. 11 (2).

And number  
both

4. The Deputy Returning Officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to*," if any objection is made to his decision. 38 V. c. 28, s. 18 (2).

Endorsing  
ballot paper.

5. The Deputy Returning Officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which shall be made under the several heads—

Statement.

- (a) Name or number of Ward or polling subdivision and of the Municipality and the date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

38 V. c. 28, s. 18 (3); 39 V. c. 5, s. 14.

6. Upon the completion of such written statement, it shall be forthwith signed by the Deputy Returning Officer, the Poll Clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. 38 V. c. 28, s. 18 (4).

To be signed

**148.** No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. 38 V. c. 28, s. 18 (5).

Agents en-  
titled to be  
present.

**149.** Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. 39 V. c. 5, s. 15.

Deputy re-  
turning officer  
to give certi-  
cate of state of  
poll.

**150.** Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words

Deputy re-  
turning offi-  
cers' duties

after votes are counted.

the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election the name of the Deputy Returning Officer, and of the Ward or polling subdivision and Municipality,

- (a) The statement of votes given for each candidate and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) The voters' list, with the oath in the form of Schedule G. annexed thereto ; a statement of the number of voters whose votes are marked by the Deputy Returning Officer under the heads, "Physical incapacity," and "Unable to read," with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot-box.

2. Before placing the voters' list in its proper packet, the Deputy Returning Officer shall make and subscribe before the Clerk of the Municipality, a Justice of the Peace or the Poll Clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made ; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list.

Certain packets to be delivered to the clerk of municipality.

3. If the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall forthwith deliver such packets personally to the Clerk of the Municipality ; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the Clerk ; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor ; he shall also forthwith return the ballot box to the Clerk of the Municipality.



4. The packets shall be accompanied by a statement made by the Deputy Returning Officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot Papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot Papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

Statement to be made by deputy returning officers on return of ballot papers, &c.

5. If the Deputy Returning Officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the Deputy Returning Officer, the packages of ballot papers shall be broken open by the Clerk of the Municipality, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the Deputy Returning Officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the Clerk of the Municipality; and the Clerk of the Municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the Clerk of the Municipality shall forthwith, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. 38 V. c. 28, ss. 19, 20; 39 V. c. 5, ss. 12, 13.

If dispute as to result arise how to be settled.

**151.** The Clerk of the Municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall at the Town Hall, or, if there is no Town Hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. 38 V. c. 28, s. 21.

Clerk to cast up votes and declare who is elected, etc.;

**152.** In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the Clerk of the Municipality or other person appointed by by-law to discharge his duties of Clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a

In certain cases clerk to have a casting vote.

vote for one or more of such candidates, so as to decide the election.

2. Except in such case, no Clerk of the Municipality shall vote at any municipal election held in his Municipality.

3. All Deputy Returning Officers and persons employed as Deputy Returning Officers and Poll Clerks, if otherwise qualified, shall be entitled to vote. 38 V. c. 28, s. 22.

Election not commenced, or interrupted by riot, etc., to be resumed.

**153.** In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer, or Deputy Returning Officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 38 V. c. 28, s. 23.

If election is prevented for four days, poll book is to be returned, and a new election ordered.

**154.** But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours, the Returning Officer, or Deputy Returning Officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the Municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the Municipality shall forthwith issue his warrant therefor. 38 V. c. 28, s. 24. *See also section 174.*

Declaration of election—duty of the Clerk.

**155.** When a poll has been duly held in each of such Wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the Clerk have been so returned to him, the Clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other Wards to be given for the candidate, and shall at noon on the next day, at the Town Hall, or if there is no Town Hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. 38 V. c. 28, s. 26.

Declaration and assumption of office.

**156.** The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. 36 V. c. 48, s. 119.

## DIVISION VI.—MISCELLANEOUS PROVISIONS.

*Clerk to retain Ballot Papers.* Sec. 157.

*Inspection of Ballot Papers.* Sec. 158.

*Evidence.* Sec. 159.

*Offences.* Secs. 160, 161.

*Secrecy of Proceedings.* Secs. 162-164.

*Candidates may do Agents' duty.* Secs. 165, 166.

*Computation of time.* Sec. 167.

*Technical objections not to prevail.* Sec. 168.

*Expenses of Returning Officers, etc.* Sec. 169.

**157.** The Clerk of the Municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by Deputy Returning Officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the Municipality, and filed amongst the records of the Municipality by the said Clerk. 38 V. c. 28, s. 27.

When ballot papers shall be destroyed.

**158.** No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk of the Municipality.

When ballot papers may be inspected.

2. Such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient. 83 V. c. 28, s. 28.

**159.** Where a rule or order is made for the production by the Clerk of the Municipality, of any document in his possession relating to any specified election, the production of the document by the Clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the Clerk, shall be evidence of such papers being what they are stated to be by the endorsement. 38 V. c. 28, s. 29.

Evidence as to documents, ballot papers, etc., in certain cases.

**160.** No person shall—

Offences.

(a) Without due authority supply any ballot paper to any person; or

(*b*) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

(*c*) Fraudulently take out of the polling place any ballot paper; or

(*d*) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

2. No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

3. Any person guilty of any violation of this section shall be liable, if he is the Clerk of the Municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour. 38 V. c. 28, s. 30; 39 V. c. 1, s. 4.

Money penalty for offences.

**161.** Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the one hundred and fifteenth to the one hundred and sixtieth sections, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of four hundred dollars. 38 V. c. 28, s. 31.

Maintaining secrecy of proceedings.

**162.** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

2. No officer, clerk or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

3. No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

4. Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

5. No person shall, directly, or indirectly, induce any voter to display his ballot paper after he has marked the same,



so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

6. Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 38 V. c. 28, s. 32.

Penalty for contravening this section.

**163.** The Clerk of the Municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the Clerk of the Municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the Clerk of the Municipality, or of the Deputy Returning Officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. 38 V. c. 28, s. 33. 40 V. c. 12, s. 19.

Statutory declaration of secrecy.

**164.** No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted. 38 V. c. 28, s. 34.

No one compellable to disclose his vote.

**165.** A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend. 38 V. c. 28, s. 35.

Candidates may undertake duties of an agent.

**166.** When in the sections of this Act numbered from one hundred and fifteen to one hundred and sixty-five inclusive any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. 38 V. c. 28, s. 36.

Expressions in the Act referring to agents.

Non-attendance of agents.

**167.** In reckoning time for the purposes of the said sections, Sunday and any day set apart by any Act of lawful authority for a public holiday, fast or thanksgiving, shall be excluded; and where anything is required by this Act to be done on any day which falls on such days, such things may be done on the

Non-juridical days.

next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor and Aldermen in cities, and Mayor, Reeve, Deputy-Reeves and Councilors in other Municipalities. 38 V. c. 28, s. 37; 40 V. c. 7, *Sched. A* (170).

No election to be invalid for want of compliance with rules if in compliance with principles of the Act.

**168.** No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. 38 V. c. 28, s. 38; 39 V. c. 5, s. 16.

Expenses incurred by officers to be refunded.

**169.** The reasonable expenses incurred by the Clerk of the Municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the Clerk of the Municipality by the Treasurer of the Municipality, and shall be distributed by the Clerk of the Municipality to the several persons entitled thereto. 38 V. c. 28, s. 39.

#### DIVISION VII.—VACANCIES IN COUNCIL.

*By Insolvency, etc.* Sec. 170.

*By Quo Warranto proceedings.* Sec. 171.

*By Resignation.* Secs. 172, 173.

*How filled.* Secs. 174-178.

*Seat held for residue of term.* Sec. 175.

*Not to prevent organization of Council.* Sec. 176.

*In certain cases Council to fill.* Sec. 178.

Seats to become vacant by crime, insolvency, absence, etc.

**170.** If, after the election of any person as member of a Council, he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the Council for three months without being authorized so to do by a resolution of the Council entered in its minutes, his seat in the Council shall thereby become vacant, and the Council shall declare the seat vacant and order a new election. 36 V. c. 48, s. 123.

**171.** In the event of any member of any Municipal Council forfeiting his seat at the Council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat any such member, as provided by sections one hundred and seventy-nine to two hundred, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. 37 V. c. 16, s. 5.

*Quo warranto*  
proceedings on  
omitting to  
vacate seat.

**172.** Any Mayor or other member of a Council may, with the consent of the majority of the members present, to be entered on the minutes of the Council, resign his seat in the Council. 36 V. c. 48, s. 124.

Any member  
may resign  
with consent  
of majority of  
council.

**173.** The Warden of a County may resign his office by verbal intimation to the Council while in session, or by letter to the County Clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the Clerk shall notify all the members of the Council, and shall, if required by a majority of the members of the County Council, call a special meeting to fill such vacancy. 36 V. c. 48, s. 130.

Resignation of  
warden pro-  
vided for.

Vacancies,  
how filled.

**174.** In case no return is made for one or more Wards or polling subdivisions, in consequence of non-election, owing to interruption by riot or other cause, or in case a person elected to a Council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the Council caused by resignation, death, judicial decision or otherwise, the head of the Council for the time being, or in case of his absence, or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the members of the Council, shall forthwith, by warrant under the signature of such head, Clerk or member, if procurable, require the Returning Officers and Deputy Returning Officers appointed to hold the last election for the Municipality, Ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 36 V. c. 48, s. 125.

New elections  
provided for  
and mode of  
conducting  
same.

**175.** The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 36 V. c. 48, s. 126.

Term of office  
of person there-  
upon elected.

**176.** In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the warrant for the new election shall be issued by the head or a member of the Council for the previous year, or by

Warrant for  
new election.

But non-election not to prevent organization of council.

the Clerk, in like manner as provided by the one hundred and seventy-fourth section; but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council. 36 V. c. 48, s. 127.

Time for holding, and notice of new election.

**177.** The Returning Officers and Deputy Returning Officers shall hold the new election at furthest within eight days after receiving the warrant, and the Clerk shall appoint a time and place for the nomination of candidates, and in case a poll is demanded, shall, at least four days before such polling, post up a public notice thereof under his hand in at least four of the most public places in the Municipality, Ward or polling subdivision. 36 V. c. 48, s. 128.

Mode of appointing requisite number of members of council if election neglected, &c.

**178.** In case, at any annual or other election, the electors from any cause not provided for by the one hundred and fifty-third or one hundred and fifty-fourth sections, neglect or decline to elect the members of Council for a Municipality on the day appointed, or to elect the requisite number of members, the new members of the Council, if they equal or exceed the half of the Council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them,—shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. 36 V. c. 48, s. 129.

#### DIVISION VIII—CONTROVERTED ELECTIONS.

*How validity or right of election determined. Secs. 179—189.*

*Writ for removal, &c. Sec. 190.*

*If entire election invalid. Sec. 191.*

*Disclaimer. Secs. 192—197.*

*Costs. Sec. 197, 198.*

*Decision of Judge final. Sec. 199.*

*Judges may settle forms and practice. Sec. 200.*

Trial of contested elections or right to elect.

**179.** In case the right of any Municipality to a Reeve or Deputy Reeve or Reeves, or in case the validity of the election or appointment of Mayor, Warden or Reeve, or Deputy Reeve, Alderman, or Councillor is contested, the same may be tried in Term or Vacation by a Judge of either of the Superior Courts of Common Law, or the Senior or officiating Judge of the County Court of the County in which the election or appointment took place; and when the right of a Municipality to a Reeve



or Deputy Reeve or Reeves is the matter contested, any municipal elector in the County may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the Council or any elector of the Ward, or, if there is no Ward, of the Municipality for which the appointment was made, may be the relator for the purpose. 36 V. c. 48, s. 131.

**180.** If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shows by affidavit to any such Judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a Commissioner for taking affidavits, in the sum of two hundred dollars, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. 36 V. c. 48, s. 132.

Time for limited, and security and proof required.

Writ in nature of *quo warranto*.

**181.** The Judge of the Superior Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all parties interested, and such Judge shall return the evidence to the Clerk of the Crown of the Court at Toronto, and every party shall be entitled to a copy thereof. 36 V. c. 48, s. 133.

Evidence to be used on return of writ may be taken *viva voce* by leave of judge, etc.

**182.** In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of, and the alleged election of the relator or other person. 36 V. c. 48, s. 134.

When the relator claims to be elected.

**183.** In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. 36 V. c. 48, s. 135.

When several elections complained of.

**184.** Where more writs than one are brought to try the validity of an election, or the right to a Reeve or Deputy Reeve or Reeves as aforesaid, all such writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 36 V. c. 48, s. 136.

All to be tried by the same judge.

Writ, who to issue, and return day thereof.

**185.** The writ shall be issued by the Clerk of the Process of the said Superior Courts, or by the Deputy Clerk of the Crown in the County in which the election took place, and shall be returnable before the Judge in Chambers of the proper Court at Toronto, or before the Judge of the County Court at a place named in the writ, upon the eighth day after service computed, exclusively of the day of service, or upon any later day named in the writ. 36 V. c. 48, s. 137.

Service to be personal, unless excused by judge.

**186.** The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge, upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. 36 V. c. 48, s. 139.

Returning officer or deputy returning officer may be made a party.

**187.** The Judge before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the Returning Officer or any Deputy Returning Officer a party thereto. 36 V. c. 48, s. 138.

The judge may allow certain persons to intervene and defend.

**188.** The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings. 36 V. c. 48, s. 140.

Judge shall try summarily.

**189.** The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a Reeve or Deputy Reeve or Reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section two hundred and four. 36 V. c. 48, s. 141.

Evidence.

Trial.

Judge shall remove person not duly elected, admit person elected, or confirm election, etc.

**190.** In case the election complained of is adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held. 36 V. c. 48, s. 142.

May cause new election.

If all the members ousted, etc., writ for new election to go to the sheriff.

**191.** In case the election of all the members of a Council is adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the

remaining seats in the Council, shall be directed to the Sheriff of the County in which the election took place; and the Sheriff shall have all the powers for causing the election to be held which a Municipal Council has in order to supply vacancies therein. 36 V. c. 48, s. 143.

**192.** Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit post paid, through the post office, directed to "The Clerk of the Judge's Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of \_\_\_\_\_" (*as the case may be*), or may cause to be delivered to such Clerk or Judge a disclaimer signed by him, to the effect following:

Defendant may disclaim, except in certain cases.  
Mode of proceeding.

"I, A. B., upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the Township of \_\_\_\_\_, in the County of \_\_\_\_\_ (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

"Dated \_\_\_\_\_

day of \_\_\_\_\_

(Signed)

"A. B."

36 V. c. 48, s. 144.

**193.** Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. 36 V. c. 48, s. 145

Posting and registry of disclaimer.

**194.** Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the Clerk of the Municipality a disclaimer signed by him as follows:—

Person elected may disclaim at any time before his election is complained of.

"I, A. B., do hereby disclaim all right to the office of Township Councillor (*or as the case may be*) for the Township of \_\_\_\_\_ (*or as the case may be*), and all defence of any right I may have to the same."

Form.

36 V. c. 48, s. 146.

**195.** Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the Councillor, or other officer, as the case may be. 36 V. c. 48, s. 147.

Disclaimer to operate as resignation. Who to be deemed elected.

**196.** Every person disclaiming shall deliver a duplicate of his disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council. 36 V. c. 48, s. 148.

Duplicate disclaimer to be delivered to clerk.

**197.** No costs shall be awarded against any person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. 36 V. c. 48, s. 149.

**198.** In all cases not otherwise provided for, costs shall be in the discretion of the Judge. 36 V. c. 48, s. 150.

**199.** The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment, with all things had before him touching the same, into the Court from which the writ issued, there to remain of record as a judgment of the said Court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. 36 V. c. 48, s. 151.

**200.** The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in Term time, settle the forms of the writs of summons, *certiorari*, *mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. 36 V. c. 48, s. 152.

#### DIVISION IX.—PREVENTION OF CORRUPT PRACTICES.

*Bribery and undue influence defined.* Secs. 201, 202.

*Certain payments lawful.* Sec. 203.

*Evidence to be viva voce.* Sec. 204.

*Effect of conviction of candidate for bribery.* Sec. 205.

*Additional penalty.* Sec. 206.

*How penalties recoverable.* Sec. 207.

*Report and record of convictions.* Secs. 208, 209.

*Witnesses, how procured—Self-crimination not to excuse from giving evidence.* Secs. 210, 211.

*Proceedings, within what time to be taken.* Sec. 212.

*Case in which penalties not recoverable.* Sec. 213.

*Publication of the law against corrupt practices.* Sec. 214.

**201.** The following persons shall be deemed guilty of bribery, and shall be punished accordingly:—

Certain persons to be deemed guilty of bribery.



1. Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a Municipality or part of a Municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law ;

Giving money to voters, &c.

Procuring office, &c., for voters.

2. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any Municipal Council, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law ;

Or for persons influencing voters.

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law ;

Corruptly influencing voters.

4. Every person who advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law ;

Advancing, &c., money for bribery, &c.

5. Every voter who, before or during any municipal election, or the voting on any such by-law, directly or indirectly by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law ;

Voter receiving money, &c., for vote, or agreeing for money to vote, &c.

6. Every person who, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person

Receiving money, &c., after the election for voting, or inducing, &c., to vote.

to vote or refrain from voting at any such election, or upon any such by-law ;

Hiring teams,  
&c.

7. Every person who hires any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid. 36 V. c. 48, s. 153.

Persons using  
violence or in-  
timidation to  
be guilty of  
undue influ-  
ence.

202. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. 36 V. c. 48, s. 154.

Expenses of  
candidates.

203. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 36 V. c. 48, s. 155.

Evidence of  
corrupt prac-  
tices on  
application in  
nature of  
*quo warranto*.

204. Where, in an application in the nature of a *quo warranto*, any question is raised as to whether the candidate or any voter has been guilty of any violation of section two hundred and one or two hundred and two of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the Superior Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. 36 V. c. 48, s. 156.

Penalty on  
candidates  
guilty of  
bribery, etc.

205. Any candidate elected at any municipal election, who is found guilty by the Judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. 36 V. c. 48, s. 157.

Additional  
penalties.

206. Any person who is adjudged guilty of any of the offences within the meaning of sections two hundred and one or two hundred and two of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting at any

municipal election or upon a by-law for the next succeeding two years. 36 V. c. 48, s. 159.

**207.** The penalties imposed by section two hundred and six of this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. 36 V. c. 48, s. 160.

Recovery of penalties.

**208.** It shall be the duty of the Judge who finds any candidate guilty of a contravention of section two hundred and one or two hundred and two of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the Clerk of the Municipality wherein the offence has been committed. 36 V. c. 48, s. 161.

Judge to make return.

**209.** The Clerk of every Municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his Municipality who have been adjudged guilty of any offence within the meaning of section two hundred and one or two hundred and two of this Act, and of which he has been notified by the Judge who tried the case. 36 V. c. 48, s. 162.

Clerk to keep book showing names of persons guilty of offences, &c.

**210.** Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of such County Court Judge directing his attendance and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of *subpoena* so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such *subpoena*. 36 V. c. 48, s. 163.

Attendance of witnesses.

**211.** No person shall be excused from answering any question put to him in any action, suit or other proceeding in any Court or before any Judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. 36 V. c. 48, s. 164.

Witnesses not excused from answering on grounds of self crimination or privilege

Proviso.

Limitation of actions.

**212.** All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section two hundred and one or two hundred and two of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid. 36 V. c. 48, s. 165.

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

**213.** No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. 37 V. c. 7, s. 95.

Proviso.

Copies of ss. 201-214 to be mailed and posted up prior to election.

**214.** The Clerk of every Municipality shall, prior to any election, or voting on any by-law, furnish each Deputy Returning Officer with at least two copies of the sections of this Act numbered from two hundred and one to two hundred and fourteen inclusive, and shall also post at least six copies thereof in conspicuous places in each polling subdivision in the Municipality. 36 V. c. 48 s. 166.

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## PART IV.

### MEETINGS OF MUNICIPAL COUNCILS.

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DIV. I.—WHEN AND WHERE HELD.  
DIV. II.—CONDUCT OF BUSINESS.

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DIV. I.—WHEN AND WHERE HELD.

*First and subsequent meetings. Secs. 215-222.*  
*Payment of members for attendance. Secs. 223, 224.*



**215.** The members of every Municipal Council (except County Councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every County Council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. 36 V. c. 48, s. 167.

First meetings  
of councils.

**216.** No business shall be proceeded with at the first meeting of the Council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. 36 V. c. 48, s. 175.

No business  
before declara-  
tions of office,  
etc.

**217.** The members elect of every County Council, being at least a majority of the whole number of the Council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a Council by electing one of themselves to be Warden. 36 V. c. 48, s. 120.

Election by  
county council  
of a warden.

**218.** At every such election the Clerk of the Council shall preside, and if there is no Clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 36 V. c. 48, s. 121.

Who to pre-  
side at  
election.

**219.** In case of an equality of votes on the election of the head of any County Council, or Provisional County Council, then of those present, the Reeve, or in his absence the Deputy Reeve of the Municipality which has the largest number of names on its last revised assessment roll, as ratepayers, shall have a second and casting vote. 36 V. c. 48, s. 122.

Who to have  
the casting  
vote in the  
event of equal-  
ity of votes.

**220.** The members of every County Council shall hold their first meeting at the County Hall if there is one, or otherwise at the County Court House. 36 V. c. 48, s. 168.

Place of first  
meeting.

**221.** The subsequent meetings of the County Council, and all the meetings of every other Council shall be held at such place, either within or without the Municipality, as the Council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints. 36 V. c. 48, s. 169.

Place of sub-  
sequent meet-  
ing of county  
council, etc.

**222.** The Council of any County or Township in which any City, Town, or incorporated Village lies, may hold its sittings, keep its public offices, and transact all the business of the Council and of its officers and servants within such City, Town or incorporated Village, and may purchase and hold such real property therein as may be convenient for such purposes. 36 V. c. 48, s. 170.

Place of meet-  
ing may be in  
cities, etc.

Remuneration  
to councillors  
and commit-  
tee-men  
limited.

**223.** The Council of every Township and County may pass by-laws for paying the members of the Council for their attendance in Council, or any member while attending on committee of the Council, at a rate not exceeding three dollars *per diem*, and five cents per mile necessarily travelled (to and from) for such attendance. 36 V. c. 48, s. 172; 40 V. c. 7, *Sched. A* (171).

Remuneration  
of mayor, etc.

**224.** The Head of the Council of any County, City, Town or incorporated Village may be paid such annual sum or other remuneration as the Council of the Municipality may determine. 36 V. c. 48, s. 173; 40 V. c. 7, *Sched. A* (172).

## DIVISION II.—CONDUCT OF BUSINESS.

*Meetings to be open to public. Sec. 225.*

*Quorum, how many. Secs. 226, 227.*

*Who to preside. Secs. 228, 230–232.*

*Special meetings. Secs. 228, 229.*

*Presiding officer may vote. Sec. 233.*

*Equality of votes negatives question. Sec. 233.*

*Power to adjourn. Sec. 234.*

Ordinary  
meetings to be  
open.

**225.** Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the Council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. 36 V. c. 48, s. 174.

Quorum.

**226.** A majority of the whole number of members required by law to constitute the Council shall be necessary to form a quorum. 36 V. c. 48, s. 176.

In councils of  
five, three  
must concur.

**227.** When a Council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. 36 V. c. 48, s. 177.

The heads to  
preside in  
council.

**228.** The head of every Council shall preside at the meetings of Council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the Council. 36 V. c. 48, s. 178.

Special meet-  
ings.

Special meet-  
ing may be  
either open  
or closed.

**229.** In case there is no by-law of a Council fixing the place of meeting, any special meeting of the Council shall be held at the place where the then last meeting of the Council was held, and a special meeting may be open or closed as in the opinion of the Council, expressed by resolution in writing, the public interest requires. 36 V. c. 48, s. 171.

**230.** In case of the death or absence of the head of a Town Council, the Reeve, and in case of the absence or death of both of them, the Deputy Reeve, and in case of the death or absence of the head of a Village or Township Council, the Deputy Reeve shall preside at the meetings of the Council, and may at any time summon a special meeting thereof; but if there be more than one Deputy Reeve, the Council shall determine which of them shall preside at their meeting. 36 V. c. 48, s. 179.

When reeve or deputy reeve to preside.

**231.** In the absence of the head of the Council, and in the case of a Town, Village or Township, in the absence also of the Reeve, if there be one, and also of the Deputy Reeve or Deputy Reeves, if there be one or more, by leave of the Council, or from illness, the Council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the Council. 36 V. c. 48, s. 180

Absence of head, etc., provided for.

**232.** If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 36 V. c. 48, s. 181.

Casual absence provided for.

**233.** The head of the Council, or the presiding officer or chairman of any meeting of any Council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 36 V. c. 48, s. 182.

Head to vote.

Question negatived in case of equality of votes.

**234.** Every Council may adjourn its meetings from time to time. 36 V. c. 48, s. 183.

Adjournment.

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## PART V.

### OFFICERS OF MUNICIPAL CORPORATIONS.

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DIV. I.—THE HEAD.

DIV. II.—THE CLERK.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

## DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

## DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

## DIVISION I.—THE HEAD.

*Who to be. Sec. 235.**Duties. Sec. 236.*Who to be  
head of  
council.

**235.** The head of every County and Provisional Corporation shall be the Warden thereof, and of every City and Town the Mayor thereof, and of every Township and incorporated Village the Reeve thereof. 36 V. c. 48, s. 184.

Duties of head  
of council.

**236.** The head of the Council shall be chief executive officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the Municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the Municipality. 36 V. c. 48, s. 185.

## DIVISION II.—THE CLERK.

*Appointment and Duties of. Secs. 237, 238.**Records and papers may be inspected. Sec. 239.**Return of statistics to Government. Secs. 240–244.**On default, moneys retained. Sec. 245.*The Clerk, and  
his duties.

**237.** Every Council shall appoint a Clerk; and the Clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council, and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the Council, all of which he shall so keep in his office, or in the place appointed by by-law of the Council. 36 V. c. 48, s. 186.

Provision for  
absence, &c.,  
of clerk.

**238.** The Council may by resolution provide that in case the Clerk is absent, or incapable through illness of performing his duties of Clerk, some other person to be named in such



resolution, or to be appointed under the hand and seal of such Clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the Clerk. 36 V. c. 48, s. 187.

**239.** Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the Clerk, at all seasonable times, and the Clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the Council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the Municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 36 V. c. 48, s. 188.

Minutes, &c.,  
to be open to  
inspection.

Copies to be  
furnished and  
charges there-  
for, &c.

**240.** The Clerk of every City, Town, incorporated Village and Township shall, on or before the first day of December in each year, under a penalty of twenty dollars, to be paid to the Treasurer of Ontario in case of default, transmit to the Treasurer of Ontario a true return of the number of resident ratepayers appearing on the revised assessment roll of his Municipality for the year, and shall accompany such return with an affidavit of the correctness of the same made before a Justice of the Peace verifying the same in the following form:—

Clerk to trans-  
mit a yearly  
return of rate  
payers to the  
Provincial  
Treasurer.

I, A. B., Clerk of the Municipality of the (City Town, Township or Village (as the case may be), of Oath of verification.  
within written, or annexed as the case may be) return, contains a true statement of the number of resident ratepayers appearing on the assessment roll of the said City (Town, Township or Village) for the year one thousand eight hundred and

(Signed) A. B.

Sworn before me, &c.

36 V. c. 48, s. 189. See also Rev. Stat. c. 28, s. 5.

**241.** The Clerk of every Township, Village and Town shall in each year, within one week after the first day in March, under a penalty of twenty dollars in case of default, make a return to the Clerk of the County in which the Municipality is situate, of the following particulars respecting his Municipality for the year then last past, namely:

To make a  
yearly return  
to the County  
Clerk.

Heads of columns to be varied  
according to the form of the  
assessment rolls required by  
law.

1. Number of persons assessed.
2. Number of acres assessed.
3. Total actual value of real property.
4. Total of taxable incomes.
5. Total value of personal property.
6. Total amount of assessed value of real and personal property.
7. Total amount of taxes imposed by by-laws of the Municipality.
8. Total amount of taxes imposed by by-laws of the County Council.

What such  
return shall  
show.

9. Total amount of taxes imposed by by-laws of any Provisional County Council.
10. Total amount of taxes as aforesaid.
11. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
12. Total amount of income from Licenses.
13. Total amount of income from Public Works.
14. Total amount of income from shares in incorporated Companies.
15. Total amount from all other sources.
16. Total amount of income from all sources.
17. Total expenditure on account of roads and bridges.
18. Total expenditure on account of other public works and property.
19. Total expenditure on account of stock held in any incorporated Company.
20. Total expenditure on account of Schools and Education, exclusive of School Trustees' Rates.
21. Total expenditure on account of the support of the poor, or charitable purposes.
22. Total expenditure on account of debentures and interest thereon.
23. Total gross expenditure on account of Administration of Justice in all its branches.
24. Amount received from Government on account of Administration of Justice.
25. Total net expenditure on account of Administration of Justice.
26. Total expenditure on account of salaries, and the expenses of Municipal Government.
27. Total number of sheep worried by dogs, and the amount paid therefor by the Municipality.
28. Total expenditure on all other accounts.
29. Total expenditure of all kinds.
30. Total amount of liabilities secured by debentures.
31. Total amount of liabilities unsecured.
32. Total liabilities of all kinds.
33. Total value of real property belonging to Municipality.
34. Total value of stock in incorporated Companies owned by Municipality.
35. Total amount of debts due to Municipality.
36. Total amount of arrears of taxes.
37. Balance in hands of Treasurer.
38. All other property owned by Municipality.
39. Total assets.

36 V. c. 48, s. 190.

County Clerk  
to make a  
return to the  
Provincial  
Secretary,

**212.** The Clerk of every County shall, before the first day of April in each year, prepare and transmit to the Provincial Secretary a statement of the aforesaid particulars respecting all the Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum

total of all the columns for the whole County, and shall also make at the same time a return of the same particulars respecting his County, as a separate Municipality, and also of the following particulars:—

1. Number of Public School Inspectors.
  2. Amount paid to School Inspectors.
  3. Total amount paid to Sheriffs.
  4. Total amount paid to County Crown Attorney.
  5. Total amount paid to Clerk of the Peace.
  6. Total amount paid for constable and police service.
- 36 V. c. 48, s. 191; 40 V. c. 7, *Sched. A.* (173).

**243.** The Clerk of every City and Town separated from a County shall, before the first day of April in each year, make a return to the Provincial Secretary of the particulars in section two hundred and forty-one mentioned respecting his City or Town. 36 V. c. 48, s. 192.

And also  
Clerks of  
cities and  
towns.

**244.** The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before the Legislative Assembly a copy of all returns hereinbefore required to be made. 36 V. c. 48, s. 193.

Provincial  
Secretary to  
lay returns  
before the  
Legislative  
Assembly.

**245.** The Treasurer of the County shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Clerk of the County that the Clerk of such Municipality has not made the return hereinbefore required; and the Treasurer of Ontario shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the returns hereinbefore required. 36 V. c. 48, s. 194.

Moneys to be  
retained if  
returns not  
made.

### DIVISION III.—THE TREASURER.

*His appointment, duties and remuneration. Secs. 246–248.*  
*Successor may draw moneys. Sec. 249.*

**246.** Every Municipal Council shall appoint a Treasurer, who may be paid either by salary or by a percentage and every Treasurer, before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every Council in each and every year to inquire into the sufficiency of the security given by such Treasurer, and report thereon. 36 V. c. 48, s. 195.

Treasurer to  
be appointed.

To give secu-  
rity.

Annual  
inquiry as to  
sufficiency of.

**247.** Every Treasurer shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner as the laws of the

To receive and  
take care of  
and disburse  
moneys, etc.

His liability limited.

Province and the lawful by-laws or resolutions of the Council of the Municipal Corporation, whose officer he is, direct ; but no member of the Council shall receive any money from such Treasurer for any work performed or to be performed ; and such Treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the Council of the Municipality of which he is the Treasurer, unless where another disposition is expressly made of such moneys by statute. 36 V. c. 48, s. 196.

Half-yearly statement of assets.

**248.** Every Treasurer shall also prepare and submit to the Council half-yearly a correct statement of the moneys at the credit of the Corporation whose officer he is ; and in Cities, Towns, incorporated Villages and Townships which have passed by-laws requiring this to be done, the Treasurer shall, on or before the twentieth day of December in each year, prepare and transmit to the Clerk of the Municipality a list of all persons who have not paid their municipal taxes on or before the fourteenth day of said month of December. 36 V. c. 48, s. 197. See ss. 78, 461 (2).

Annual list of persons in default for taxes.

Provision on dismissal from office.

**249.** In case any Treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to such Municipality. 36 V. c. 48, s. 198.

#### DIVISION IV.—ASSESSORS AND COLLECTORS.

(See also *Rev. Stat.* c. 180, ss. 10, 11.)

*Certain Councils to appoint. Secs. 250, 251.*

*Township Collectors to act for Provisional Corporations. Secs. 252, 253.*

Assessors and collectors, appointment and qualification of.

**250.** The Council of every City, Town, Township, and incorporated Village shall, as soon as may be convenient after the annual election, appoint as many Assessors and Collectors for the Municipality as the Assessment Laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs ; but the Council shall not appoint as Assessor or Collector a member of the Council.

2. The same person may, in a City, Town or Township, be appointed Assessor or Collector for more than one Ward or polling sub-division.

3. In Municipalities which have passed by-laws requiring taxes to be paid on or before the fourteenth day of December, it shall be the duty of the Collectors, on the fifteenth day of December in each year, upon oath, to return to the Treasurer



the names of all persons who have not paid their municipal taxes on or before the fourteenth day of the said month of December. 36 V. c. 48, s. 199.

**251.** In Cities, the Council, instead of appointing Assessors under the foregoing section, may appoint an Assessment Commissioner, who, in conjunction with the Mayor for the time being, shall, from time to time, appoint such Assessors and Valuers as may be necessary, and such Commissioner, Assessors and Valuers shall constitute a Board of Assessors, and shall possess all the powers and perform the duties of Assessors appointed under the last preceding section; and the Council shall also have power by by-law to determine the number of Collectors to be appointed, and prescribe their duties, and may by by-law require the payment of taxes to be made into the office of the Treasurer by a day to be named, and in default may in said by-law impose an additional percentage charge on every unpaid tax or assessment, which shall be added to such unpaid tax or assessment, and collected by the Collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment; and any Commissioner, Assessor or Collector to be appointed by any City need not be appointed annually, but shall hold office at the pleasure of the Council; and all notices, in other Municipalities required to be given to the Clerk of the Municipality in matters relative to assessment, shall in such City be given to the Assessment Commissioner. 36 V. c. 48, s. 200.

In cities, assessment commissioner may be appointed instead of such assessors, &c.

On default of payment of taxes, additional percentage may be imposed.

Tenure of office of commissioner, assessors, &c.

**252.** The Collectors of the several Townships in a Junior County of a Union of Counties shall *ex officio* be Collectors in such Townships for the Provisional Council, and the Collectors shall pay over to the Provisional Treasurer the money they collect under any by-law of the Provisional Council. 36 V. c. 48, s. 201.

Collector of provisional council.

Payments.

**253.** The money so collected shall be deemed the money of the Union, so far as necessary to make the Collectors and their sureties responsible to the Union therefor; and in case the Corporation of the Union receives the same, such Corporation shall immediately pay the amount to the Provisional Treasurer, retaining the expenses of collection. 36 V. c. 48, s. 202.

Moneys, how to be disposed of.

#### DIVISION V.—AUDITORS AND AUDIT.

*Appointment and duties.* Secs. 254, 255.

*Abstract of receipts and expenditures.* Sec. 256.

*Publication of audit.* Sec. 257.

*Council to finally audit.* Sec. 258.

*County Council to regulate and audit County moneys.* Sec. 259.

*Audit in Cities and Towns, etc. Sec. 260.*

*Special provisions relating to Toronto. Secs. 261-263.*

Auditors.

**254.** Every Council shall, at the first meeting thereof in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the head of the Council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was Clerk or Treasurer of the Council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor. 36 V. c. 48, s. 203.

Disqualifica-  
tion for office  
of.

Duties of.

**255.** The Auditors shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding their appointment. 36 V. c. 48, s. 204.

To prepare ab-  
stract and de-  
tailed state-  
ment of re-  
ceipts and ex-  
penditure,  
&c.

**256.** The Auditors shall prepare an abstract of the receipts, expenditure, assets and liabilities of the Corporation, and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the Clerk of the Council within one month after their appointment, and thereafter any inhabitant or ratepayer of the Municipality may inspect one of such duplicate reports at all seasonable hours, and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. 36 V. c. 48, s. 205.

Clerks to pub-  
lish abstracts  
and state-  
ments.

**257.** The Clerk shall publish the Auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the Council directs, and in case of a minor Municipality the Clerk shall transmit to the Clerk of the County Council a copy of such abstract and statement, and the same shall be kept by the Clerk of the County Council as a record of his office. 36 V. c. 48, s. 206; 40 V. c. 7, *Sched. A* (174.)

The Council to  
audit finally,  
&c.

**258.** The Council shall, upon the report of the Auditors, finally audit and allow the accounts of the Treasurer and Collectors, and all accounts chargeable against the Corporation; and in case of charges not regulated by law, the Council shall allow what is reasonable. 36 V. c. 48, s. 207.

Audit of  
moneys to be  
paid by Trea-  
surer.

**259.** Unless otherwise provided, every County Council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the County Treasurer. 36 V. c. 48, s. 208.

**260.** In Cities and Towns the Council may also appoint an Auditor, who shall, daily or otherwise as directed by the Council, examine and report and audit the accounts of the Corporation, in conformity with any regulation or by-law of the Council; and in other Municipalities the Auditors shall also, monthly or quarterly, as directed by by-law, examine into and audit the accounts of the Corporation. 36 V. c. 48, s. 209.

Audit of accounts in cities.  
In other Municipalities.

**261.** Notwithstanding anything in this Act, the Council of the Corporation of the City of Toronto shall, during the month of December in each year, appoint two Auditors. 35 V. c. 77, s. 1.

Appointment of auditors by the City of Toronto.

**262.** Notwithstanding as aforesaid, the Auditors for the said City shall every month, commencing at the end of the first month in the following year, and so on to the end of such year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction. 35 V. c. 77, s. 2.

Monthly audit.

**263.** The said Auditors shall discharge the duties imposed upon Auditors by the two hundred and fifty-sixth section of this Act within one month after the thirty-first day of December in each year. 35 V. c. 77, s. 3.

Annual report

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#### DIVISION VI.—VALUATORS.

##### *Appointment and Duties. Sec. 264.*

**264.** The Council of every County may appoint two or more Valutors for the purpose of valuing the real property within the County, whose duty it shall be to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the County Council; but such Valutors shall not exceed the powers possessed by Assessors; and the valuation so made shall be made the basis of equalization of the real property by the County Council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. 36 V. c. 48, s. 210.

County Council may appoint valutors, their duties, &c.  
Equalization of real property.

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#### DIVISION VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

*Declarations of office and qualification. Secs. 265–267.*

*Before whom made. Sec. 268.*

*Persons to administer oaths and declarations. Sec. 269.*

*Record and deposit of. Sec. 270.*

*Oaths respecting matters before Council. Sec. 271.*

*Penalty for refusing office, or not making or refusing to administer declarations. Sec. 272.*

**265.** Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following :

Declaration of qualification. I, *A. B.*, do solemnly declare that I am a natural-born (or naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, *as the case may be*), as proprietor (or tenant, *as the case may be*), at the time of my election (or appointment, *as the case may require*), to the office of

Form of. hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*), and that such estate is (*the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*), and that such estate at the time of my election (or appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same.

36 V. c. 48, s. 211.

**266.** Every Returning Officer, Deputy Returning Officer and Poll Clerk, every member of a Municipal Council, every Mayor, and every Clerk, Assessor, Collector, Constable and other officer appointed by a Council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

Form of declaration of office. I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this Township (or *as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation.

36 V. c. 48, s. 212.

**267.** The solemn declaration to be made by every Auditor shall be as follows :

Form of. I, *A. B.*, having been appointed to the office of Auditor for the Municipal Corporation of \_\_\_\_\_, do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, *if re-appointed*) with, by or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment, except that of Auditor for the present year.

36 V. c. 48, s. 213.

**268.** The head and other members of the Council, and the subordinate officers of every Municipality, shall make the declaration of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having juris-

Before whom  
declaration  
to be made.



diction in the Municipality for which such head, members or officers have been elected or appointed, or before the Clerk of the Municipality; and the Court, Judge, or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. Certificate of declaration. 36 V. c. 48, s. 214.

**269.** The head of any Council, any Alderman, Reeve or Deputy Reeve, any Justice of the Peace and Clerk of a Municipality may, within the Municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. 36 V. c. 48, s. 215. Certain officers may administer certain oaths, &c. within municipality.

**270.** The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk of the Municipality to the affairs of which it relates. 36 V. c. 48, s. 216. Oath or declaration to be subscribed and kept.

**271.** The head of every Council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council. 36 V. c. 48, s. 217. Heads of council may administer certain oaths, &c.

**272.** Every qualified person duly elected or appointed to be a Mayor, Alderman, Reeve or Deputy Reeve, Councillor, Police Trustee, Assessor or Collector of or in any Municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who upon reasonable demand refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than eighty dollars, nor less than eight dollars, at the discretion of such Justices, to the use of the Municipality, together with the cost of prosecution. 36 V. c. 48, s. 218. Penalty for refusing to accept office or administer declaration, &c. How enforced.

#### DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

*If not otherwise settled, Council to fix salaries. Sec. 273.*

*Tenure of Office. Sec. 274.*

*Gratuities to retiring Officers. Sec. 275.*

*Security to be given by. Sec. 276.*

*Offences. 29-30 V. c. 51, s. 187, 188.*

**273.** In case the remuneration of any of the officers of the Municipality has not been settled by Act of the Legislature, Salaries of officers.

the Council shall settle the same, and the Council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the Council.

Mode of appointment.

2. No Municipal Council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration. 36 V. c. 48, s. 219.

Tenure of office.

274. All officers appointed by a Council shall hold office until removed by the Council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the Council. 36 V. c. 48, s. 220.

Duties.

A gratuity may be given in certain cases.

275. Any Municipal Council, other than a Provisional Council, may grant to any officer who has been in the service of the Municipality for at least twenty years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. 36 V. c. 48, s. 221.

Corporations, &c., may accept security of certain Companies for their officers.

276. The bonds or policies of guarantee of any incorporated or Joint Stock Company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of any Municipal Corporation, in all cases where, by the provisions of this or any other Act or of any by-law of such Corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such Company as aforesaid, and approve the terms and conditions thereof; and all the provisions in any such Act relating to such security, to be given by any such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such Company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. 27-8 V. c. 7, s. 2.

Provisions respecting such security to apply.

Existing bonds may be cancelled.

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*[The following enactments, creating criminal liabilities, are made by sections 187 and 188 of 29-30 V. c. 51 :—*

#### EMBEZZLEMENT OF BOOKS, MONEYS, &C.

Embezzlement by municipal officers.

187. All books, papers, accounts, documents, moneys, and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any Council, kept or received by virtue of his office or

employment, shall be the property of the Corporation ; and in case any such person or officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master ; but nothing herein shall affect any remedy of the Corporation or of any other person against the offender or his sureties, or any other party ; nor shall the conviction of such offender be receivable in evidence in any suit, at Law or in Equity, against him.

#### STEALING WRITS OF ELECTION, POLL-BOOKS, &C.

188. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any writ of election or any return to a writ of election, or any indenture, poll-book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections—every such offender shall be guilty of felony, and shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award ; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence has been committed, was or is the property of any person, or that the same was or is of any value.

Stealing or destroying, &c., certain documents relating to municipal elections to be felony.

Punishment.

Value of document need not be stated.

## PART VI.

### GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

#### TITLE I.—GENERAL JURISDICTION OF COUNCILS.

##### II.—RESPECTING BY-LAWS.

##### III.—RESPECTING FINANCE.

##### IV.—ARBITRATIONS.

##### V.—DEBENTURES AND OTHER INSTRUMENTS.

##### VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

## TITLE I.—GENERAL JURISDICTION OF COUNCILS.

## DIVISION I.—NATURE AND EXTENT.

*Confined to Municipality. Sec. 277.*

*General Regulations. Sec. 278.*

*May not grant monopolies. Sec. 279.*

*Except as to Ferries. Sec. 280.*

Jurisdiction of  
councils.

**277.** The jurisdiction of every Council shall be confined to the Municipality the Council represents, except where authority beyond the same is expressly given, and the powers of the Council shall be exercised by by-law when not otherwise authorized or provided for. 36 V. c. 48, s. 222.

General power  
to make regula-  
tions;

**278.** Every Council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the Council, the conduct of its members, the appointing or calling of special meetings of the Council, and generally such other regulations as the good of the inhabitants of the Municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 36 V. c. 48, s. 223.

To repeal,  
alter, &c., by-  
laws.

Granting mono-  
polies pro-  
hibited.

**279.** No Council shall have the power to give any person an exclusive right of exercising within the Municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the Council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. 36 V. c. 48, s. 224.

Proviso.

Privileges of  
ferry.

Exception as  
to certain  
ferries.

**280.** A Council may grant exclusive privileges in any ferry which may be vested in the Corporation represented by such Council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. 36 V. c. 48, s. 225. *See B. N. A. Act, 1867, s. 91, (13); Rev. Stat. c. 112; and sec. 465 (4), post.*

## TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF BY-LAWS.

DIV. II.—OBJECTIONS BY RATEPAYERS.

DIV. III.—VOTING ON BY ELECTORS.

DIV. IV.—CONFIRMATION OF BY-LAWS.



DIV. V.—QUASHING OF BY-LAWS.

DIV. VI.—BY-LAWS CREATING DEBTS.

DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.

DIV. VIII.—ANTICIPATORY APPROPRIATIONS.

### DIVISION I.—AUTHENTICATION OF BY-LAWS.

*Original and Copies. Secs. 281, 282.*

*Proof of facts for Lieutenant-Governor. Sec. 283.*

**281.** Every by-law shall be under the seal of the Corporation, and shall be signed by the head of the Corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the Clerk of the Corporation. 36 V. c. 48, s. 226. How by-laws to be authenticated.

**282.** A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the Corporation, and certified to be a true copy by the Clerk, and by any member of the Council, shall be deemed authentic, and be received in evidence in any Court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. 36 V. c. 48, s. 227. Proof of.

**283.** The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the Council, and by the Treasurer and Clerk thereof, and by such other person and on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the Council, whose declaration the Lieutenant-Governor in Council may accept. 36 V. c. 48, s. 228. By-laws requiring assent of the Lieut.-Governor.

### DIVISION II.—OBJECTIONS BY RATEPAYERS.

*When and how made. Sec. 284.*

*When successful. Sec. 285.*

**284.** In case any person rated on the assessment roll of any Municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such Municipality or place, he shall, on petitioning the Council, be at liberty to attend in person, or by counsel or attorney, before the Council at the time at which the by-law is intended to be considered, or before a committee of the Council appointed Opposition to by-laws.

How to be made.

to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 36 V. c. 48, s. 229.

When by-laws shall not pass.

**285.** If the Council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the Council is satisfied that the notice required by law was not duly given, the Council shall not pass the by-law. 36 V. c. 48, s. 230.

### DIVISION III.—VOTING ON BY ELECTORS.

*Proceedings preliminary to the Poll. Secs. 286-297.*

*The Poll. Secs. 298-304.*

*Who to Vote. Secs. 301, 302.*

*Freeholders. Sec. 301.*

*Leaseholders. Sec. 302.*

*Oath of Freeholder. 303.*

*Oath of Leaseholder. Sec. 304.*

*Proceedings after close of Poll. Sec. 305-310.*

*Secrecy of Proceedings. Secs. 311-312.*

*Scrutiny. Secs. 313-316.*

*Council must pass when carried. Sec. 317.*

*Unless petitioned against. Sec. 318.*

If a by-law requires the assent of the electors, mode of obtaining same.

**286.** In case a by-law requires the assent of the electors of a Municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Time and place of voting to be fixed by by-law.

1. The Council shall by the by-law fix the day and hour for taking the votes of the electors, and such places in the Municipality as the Council shall in their discretion deem best, and where the votes are to be taken at more than one place, shall name a Deputy Returning Officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-law. 36 V. c. 48, s. 231 (1); 40 V. c. 8, s. 51.

By-law requiring assent of electors to be published.

2. The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the Municipality, or if there is no such news-

paper, in some public newspaper published nearest the Municipality, or in the County Town, the publication to be continued in at least one number of such paper each week for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the Municipality. 37 V. c. 16, s. 6.

3. Appended to each copy so published and posted shall be Notice. a notice signed by the Clerk of the Council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. 36 V. c. 48, s. 231 (3).

**287.** Forthwith after the day has been fixed as aforesaid, Ballot papers to be printed. for taking the votes of electors, with respect to the by-law the Clerk of the Municipal Council which proposed the by-law shall cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. 39 V. c. 35, s. 1.

**288.** The ballot papers shall be according to the form of Form of. Schedule J to this Act. 39 V. c. 35, s. 2.

**289.** The Council shall by the by-law fix a time when, and a Council to fix a day for appointment of persons to attend at polling places, and for summing up votes. place where the Clerk of the Council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of the by-law respectively. 39 V. c. 35, s. 3.

**290.** At the time and place named the head of the Municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. Selection of agents. 39 V. c. 35, s. 4.

**291.** Before any person is so appointed he shall make and Agent to make declaration. subscribe before the head of the Municipality a declaration in the form of Schedule K to this Act, that he is interested in and desirous of promoting or opposing (as the case may be) the passing of the by-law. 39 V. c. 35, s. 5.

**292.** Every person so appointed, before being admitted to the Admission of agents to polling place, etc. polling place or the summing up of the votes, as the case may be, shall produce to the Deputy Returning Officer or Clerk of the

Municipality, as the case may be, his written appointment. 39 V. c. 35, s. 6.

Appointment  
in absence of  
agent.

**293.** In the absence of any person authorized as aforesaid to attend at any polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the Deputy Returning Officer at the polling place or the Clerk of the Municipality a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. 39 V. c. 35, s. 7.

Exclusion  
from polling  
place.

**294.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or electors authorized to attend as aforesaid at such polling place. 39 V. c. 35, s. 8.

Deputy  
returning  
officers, poll  
clerks and  
agents may  
vote at polling  
place where  
they are em-  
ployed,

**295.** The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as the person to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that such Deputy Returning Officer, Poll Clerk or person is entitled to vote for or against such by-law, at the polling place where such elector is stationed during the polling day, and such certificate shall also state the property or other qualification in respect to which he is entitled to vote.

on certificate  
from the clerk  
of the municipi-  
ality.

2. On the production of such certificate, such Deputy Returning Officer, Poll Clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the Ward or polling sub-division where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk or person during the day of polling.

Who to ad-  
minister oath  
in such case.

3. In case of a Deputy Returning Officer voting at the polling place at which he is appointed to act, the Poll Clerk, or in the absence of the Poll Clerk, any one authorized to be present at such polling place, may administer to such Deputy Returning Officer the oath required to be taken of voters qualified to vote on the by-law. 39 V. c. 35, s. 9.

Who to con-  
duct the poll  
in municipali-  
ties divided  
into wards.

**296.** In the case of Municipalities which are divided into Wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every Ward or polling sub-division, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appear-



ing by the then last revised assessment roll to be entitled, under the provisions of the three hundred and first and three hundred and second sections of this Act, to vote in that Ward or polling sub-division, and shall attest the said list by his solemn declaration in writing under his hand. 40 V. c. 12, s. 18 (1).

**297.** In the case of Municipalities which are not divided into Wards or polling sub-divisions, the Clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the Municipality similar to the list mentioned in the preceding section; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon a Deputy Returning Officer in respect of a Ward or polling sub-division. 40 V. c. 12, s. 18 (2).

In municipal-  
ities not di-  
vided into  
wards.

### *The Poll.*

**298.** At the day and hour fixed as aforesaid, a poll shall be held and the votes shall be taken by ballot. 39 V. c. 35, s. 10.

Voting to be  
by ballot.

**299.** The proceedings at such poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections one hundred and sixteen to one hundred and sixty-nine inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at such poll, and to all matters incidental thereto. 39 V. c. 35, s. 11.

Proceedings to  
be as at muni-  
cipal elections.

**300.** The printed directions to be delivered to the Deputy Returning Officers shall be in the form of Schedule L to this Act. 39 V. c. 35, s. 12.

Form of  
directions for  
guidance to  
voters.

**301.** Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and, at the time of tender of the vote, of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is at the time of such tender a freeholder, either at Law or in Equity, in his own right or in right of his wife, of real property within such Municipality of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named in the voters' list of electors.

Freeholders  
who may vote  
on by-law.

2. In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll shall be dispensed

In case of new  
municipality  
where there  
has been no as-  
sessment roll.

with, but in such case such person offering to vote shall not be entitled to vote unless he possesses the other qualifications above mentioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer; and the Deputy Returning Officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. 36 V. c. 48, s. 232; 39 V. c. 35, s. 26.

Leaseholders  
who may vote  
on by-laws.

**302.** Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the Municipality for which the vote is taken for one month next before the vote, and who is or whose wife is a leaseholder of real property within such Municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list.

In case of new  
municipality  
where there  
has been no  
assessment  
roll.

2. In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the Municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer; and the Deputy Returning Officer shall note such property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. 36 V. c. 48, s. 233; 39 V. c. 35, s. 26.

Oath of free-  
holder voting  
on by-law.

**303.** Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the Deputy Returning Officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—

You swear that you are of the full age of twenty-one years, and a natural born (or naturalized) subject of Her Majesty;

That you are a freeholder in your own right (or in the right of your

wife, *as the case may require*), within the Municipality for which this vote is taken ;

That you have not voted before on the by-law in this Township (or Ward, *as the case may be*) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list of electors ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

*(In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote) ;*

And no enquiries shall be made of any voter except with respect to the facts specified in such oath or affirmation. 36 V. c. 48, s. 234 ; 40 V. c. 8, s. 50.

**304.** Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :—

Oath of leaseholder voting on by-law.

You swear that you are of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;

That you are (*or your wife is*), a leaseholder within this Municipality and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (*or the lessee in said lease has*) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (*or Ward, as the case may be*) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

*(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality) ;*

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 36 V. c. 48, s. 235 ; 40 V. c. 8, s. 50.

Form of statement to be made by deputy returning officers of result of the polling.

**305.** The written statement to be made by each Deputy Returning Officer at the close of the polling shall be made under the following heads :

- (a) Name or number of Ward or polling subdivision, and of the Municipality, and the date of the polling ;
- (b) Number of votes for and against the by-law ;
- (c) Rejected ballot papers. 39 V. c. 35, s. 13.

Objections to ballot papers.

**306.** The Deputy Returning Officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. 39 V. c. 35, s. 14.

To be numbered.

Deputy returning officer's duties after votes are counted.

**307.** Every Deputy Returning Officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the Deputy Returning Officer, and of the Ward or polling subdivision and Municipality—

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) The voters' list, with the oath in the form of Schedule G annexed thereto ; a statement of the number of voters whose votes are marked by the Deputy Returning Officer, under the heads " Physical incapacity " and " Unable to read," with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot box. 39 V. c. 35, s. 15.

Certificate and declaration of deputy returning officer and

**308.** Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place



at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid, make and subscribe before the Clerk of the Municipality, a Justice of the Peace or the Poll Clerk, his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list: he shall also forthwith return the ballot box to the Clerk of the Municipality. 39 V. c. 35, s. 16.

return of  
voters' list  
and of ballot  
box.

**309.** Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. 39 V. c. 35, s. 17.

Deputy re-  
turning officer  
to certify as to  
number of  
votes and re-  
jected ballot  
papers.

**310.** The Clerk, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the Council under his hand whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. 39 V. c. 35, c. 18.

Clerk to cast  
up votes and  
declare result.

### *Secrecy of Proceedings.*

**311.** Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Maintaining  
secrecy of pro-  
ceedings at  
polling.

2. No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the manner in which any voter at such polling place is about to vote or has voted.

Voter not to  
be interfered  
with.

3. No officer, clerk, or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any voter at such polling place is about to vote or has voted.

No informa-  
tion to be given  
as to how any  
one voted.

4. Every officer, clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any vote is given in any particular ballot paper.

Secrecy to be  
maintained at  
counting.

Voters not to be induced to disclose votes.

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote.

Penalty for contravening this section.

6. Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 39 V. c. 35, s. 19.

Statutory declaration of secrecy to be made by officers, etc., before a poll.

**312.** The Clerk of the Municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace, and if he is any other officer, or a clerk, or an agent, in the presence of a Justice of the Peace or the Clerk of the Municipality or a Deputy Returning Officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. 39 V. c. 35, s. 20.

### *Scrutiny.*

Scrutiny may be had on application to County Judge

**313.** If within two weeks after the Clerk of the Council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge, after giving such notice of the application and to such persons as the Judge directs, and shows by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers, and the petitioner enters into a recognizance before the Judge in the sum of one hundred dollars, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of fifty dollars each conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place within the Municipality for entering into the scrutiny. 39 V. c. 35, c. 21.

Notice of time of scrutiny.

**314.** At least one week's notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the Judge directs, and to the Clerk of the Municipality. 39 V. c. 35, s. 22.

On proceedings.

**315.** At the day and hour appointed, the Clerk shall attend before the Judge with the ballot papers in his custody, and the Judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall in a summary manner determine whether the majority of the votes given is for or against the by-law, and shall forthwith certify the result to the Council. 39 V. c. 35, s. 23.

**316.** The Judge shall on such scrutiny possess the like Powers of Judge.  
 powers and authority as to all matters arising upon such scrutiny as are possessed by him upon a trial of the validity of the election of a member of a Municipal Council; and in all cases Costs.  
 costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. 39 V. c. 35, s. 25.

**317.** Any by-law which is carried by a majority of the duly By-law carried by voters  
 qualified electors voting thereon, shall within six weeks there- after be passed by the Council which submitted the same. 36 V. Council.  
 c. 48, s. 236.

**318.** In case of a petition being presented, the by-law shall The passing of  
 not be passed by the Council until after the petition has been the by-law  
 disposed of; and the time which intervenes between the stayed on pre-  
 presenting of the petition and the final disposal thereof shall senting of the  
 not be reckoned as part of the six weeks within which the by- petition.  
 law is to be passed. 39 V. c. 35, s. 24.

#### DIVISION IV.—CONFIRMATION OF BY-LAWS.

*By publication. Sec. 319.*

*Notice. Sec. 320.*

*Consequent validity. Sec. 321.*

**319.** Every promulgation of a by-law shall consist in the Promulgation  
 publication, through the public press, of a true copy of the by- of by-laws.  
 law, and of the signature attesting its authenticity, with a no-  
 tice appended thereto of the time limited by law for applica-  
 tions to the Courts to quash the same or any part thereof; and  
 the publication aforesaid shall be in a public newspaper pub-  
 lished within the Municipality, or if there is no such newspaper,  
 then in the public newspaper published nearest the Municipi-  
 pality, or in the County Town; and the publication shall, for the  
 purpose aforesaid, be continued in at least one number of such  
 paper each week for three successive weeks. 37 V. c. 16, s. 7.

**320.** The notice to be appended to every copy of the by-law Notice to be  
 for the purpose aforesaid, shall be to the effect following: given.

NOTICE.—The above is a true copy of a by-law passed by the Municipi- Form of such  
 pal Council of the Township of A, in the County of B, one of the United notice.  
 Counties of B, C and D (or as the case may be), on the day of  
 , 18 , and (where the approval of the Lieutenant-Governor in  
 Council is by law required to give effect to such by-law) approved by His  
 Honour the Lieutenant-Governor in Council, on the day of  
 , 18 ; and all persons are hereby required to take notice, that  
 any one desirous of applying to have such by-law or any part thereof  
 quashed, must make his application for that purpose to one of Her  
 Majesty's Superior Courts of Common Law at Toronto, before the end of  
 the Term of the said Superior Courts next after the special promulgation

thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz. (*here name the newspapers in which the publication is to be made*), or he will be too late to be heard in that behalf; and take notice that such Term commences on the \_\_\_\_\_ day of \_\_\_\_\_ next.

G. H.,  
Township Clerk.

36 V. c. 48, s. 238.

If not moved  
against with-  
in the time  
limited, to be  
valid.

**321.** In case no application to quash any by-law is made before the end of the Term next after the third publication of such by-law and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 36 V. c. 48, s. 239.

#### DIVISION V.—QUASHING BY-LAWS.

*How to proceed. Sec. 322*

*Time limited for application. Secs. 323, 324.*

*Motion against for corrupt practices. Secs. 325, 326.*

*No action till after quashing and notice. Sec. 327.*

*Liability of Municipality for acts under illegal by-law. Sec. 328.*

*Tender of amends. Sec. 329.*

Quashing by-  
laws.

**322.** In case a resident of a Municipality, or any other person interested in a by-law, order or resolution of the Council thereof, applies to either of the Superior Courts of Common Law, and produces to the Court a copy of the by-law, order or resolution, certified under the hand of the Clerk and under the corporate seal, and shows by affidavit that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Court, after at least four days' service on the Corporation of a rule to show cause in this behalf, may quash the by-law, order or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the Corporation. 36 V. c. 48, s. 240.

Time within  
which applica-  
tion must be  
made.

**323.** No application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any Court unless such application is made to such Court within one year from the passing of such by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of such electors or ratepayers, and in such case an application to quash such by-law may be made at any time. 36 V. c. 48, s. 241.

Exception.



**324.** In case a by-law by which a rate is imposed has been promulgated in the manner herein before specified, no application to quash the by-law shall be entertained after the next Term of the Superior Courts of Common Law after the promulgation. 36 V. c. 48, s. 242.

Time after which by-law cannot be quashed, if promulgated.

**325.** Any by-law the passage of which has been procured through or by means of any violation of the provisions of sections two hundred and first and two hundred and second of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained. 36 V. c. 48, s. 243.

Quashing by-laws obtained by bribery, etc.

**326.** Before determining any application for the quashing of a by-law upon the ground that any of the provisions of the said two hundred and first and two hundred and second sections of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of one of the Superior Courts of Law that probable grounds exist for a motion to quash such by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct concerning the said grounds, before the Judge of the County Court of the County in which the Municipality which passed the by-law is situate, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said County Court Judge.

Procedure in such case.

Inquiry by County Judge.

2. The said County Court Judge shall thereupon return the evidence so taken before him to the Clerk of the Crown and Pleas at Toronto; and after the return of said evidence, and upon reading the same, any Judge of the said Superior Courts may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established, he may make an order for quashing said by-law, and he may order the costs attending said proceedings to be paid by the parties or any of them who have supported said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law. 36 V. c. 48, s. 244.

Return of evidence.

Judgment.

Costs.

**327.** After an order has been made by a Judge directing an inquiry, and after a copy of such order has been left with the Clerk of the Corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. 36 V. c. 48, s. 245.

Stay of proceedings on the by-law.

Municipality  
to be liable  
for acts done  
under illegal  
by-law.

**328.** In case a by-law, order or resolution is illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 36 V. c. 48, s. 246.

Notice of  
action.

Tender of  
amends.

**329.** In case the Corporation tenders amends to the plaintiff or his attorney, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 36 V. c. 48, s. 247.

#### DIVISION VI.—BY-LAWS CREATING DEBTS.

*Requisite formalities. Secs. 330–332.*

*Assent of electors, when required. Sec. 333.*

*When special Council meeting sufficient. Secs. 334.*

*When repealable and when not. Secs. 335, 336.*

*Illegal repeal to be ignored. Sec. 337.*

*Purchase of Public Works. Sec. 338.*

*Rates to be imposed therefor. Sec. 339.*

By-laws for  
contracting  
debts.

**330.** Every Municipal Council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the Municipality, for any purpose within the jurisdiction of the Council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next two sections of this Act:

Terms of.

When to take  
effect

1. The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the by-law is to take effect;

When debt to  
be redeemed.

2. If not contracted for gas or water-works, or for the purchase of public works, according to the statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall in like manner

If for gas or  
water works,  
etc.

be paid in thirty years at furthest from the day on which the by-law takes effect;

3. The by-law shall settle an equal special rate per annum, To provide a in addition to all other rates, to be levied in each year for pay- yearly rate. ing the debt and interest;

4. Such special rate shall be sufficient, according to the Amount amount of rateable property appearing by the last revised as- thereof. sessment roll, to discharge the debt and interest when respec- tively payable;

5. The amount of rateable property shall be ascertained To be irre- irrespective of any future increase of the rateable property of spective of the Municipality, and of any income in the nature of tolls, in- future increase terest or dividends, from the work, or from any stock, share or of rateable interest in the work, upon which the money to be so raised or property, etc. any part thereof is intended to be invested, and also irrespec- tive of any income from the temporary investment of the sink- ing fund or of any part thereof;

6. The by-law, unless it is for a work payable by local Recitals in:- assessment, shall recite:

(a.) The amount of the debt which such new by-law is in- (1) Amount tended to create, and, in some brief and general terms, the and object of object for which it is to be created; debt;

(b.) The total amount required by this Act to be raised (2) Amount annually by special rate for paying the new debt and interest; to be raised annually;

(c.) The amount of the whole rateable property of the (3) The value Municipality according to the last revised, or revised and of the rateable equalized assessment roll; property;

(d.) The amount of the existing debt of the Municipality, (4) Amount of showing the interest and principal separately, and how much existing debt; (if any) principal or interest is in arrear; and

(e.) The annual special rate in the dollar for paying the (5) Special interest and creating an equal yearly sinking fund for paying rate for inte- the principal of the new debt, according to this Act, or—in rest and sink- case the debt is payable under the provisions of section three ing fund. hundred and thirty-two—for paying the instalments of princi- pal and interest as they respectively become payable. 36 V. c. 48, s. 248.

**331.** If the by-law is for a work payable by local assess- By-law for a ment, it shall recite: work payable by local assess- ment must

(a.) The amount of the debt which such by-law is intended recite— to create, and, in some brief and general terms, the object for Amount and which it is to be created; object of debt;

Amount to be raised annually;

(b.) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law;

Value of real property rateable;

(c.) The value of the whole real property rateable under the by-law, as ascertained and finally determined as aforesaid;

Special rate for interest and sinking fund, etc.

(d.) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest, and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal, according to the foregoing provisions of this Act, or—in case the debt is payable under the provisions of section three hundred and thirty-two—for paying the instalments of principal and interest as they respectively become payable;

That debt created on security of special rate.

(e.) That the debt is created on the security of the special rate settled by the by-law, and on that security only. 36 V. c. 48, s. 249.

Municipal council may make principal repayable by equal annual instalments.

**332.** In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the Municipal Council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period (not exceeding thirty years, if the debt is for gas or water works, and not exceeding twenty years if the debt is for any other purpose) within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the Municipal Corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in such by-law.

What by-law shall set out.

2. Such by-law shall set forth the annual special rate to be raised in each year during the period of the currency of the debt which shall be sufficient according to the amount of rateable property, appearing by the last revised or revised and equalized assessment rolls before the passing of the by-law, to discharge the several instalments of principal and the interest accruing due on said debt, as the said instalments and interest become respectively payable, according to the terms of said by-law; and, in cases within this section, it shall not be necessary that any provision be made for the creation of a sinking fund. 36 V. c. 48, s. 250.

By-laws for raising money not for ordinary expenses must (with

**333.** Every by-law (except for drainage, as provided for under the five hundred and twenty-ninth section of this Act, or for a work payable entirely by local assessment) for raising upon the credit of the Municipality any money not required for



its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the Municipality in the manner provided for in the two hundred and eighty-sixth and following sections of this Act; except that in Counties the County Council may raise by by-law or by-laws, without submitting the same for the assent of the electors of such County or Counties, for contracting debts or loans, any sum or sums not exceeding in any one year twenty thousand dollars over and above the sums required for its ordinary expenditure. 36 V. c. 48, s. 251.

certain exceptions) receive assent of electors.

Exception as to county by-law for contracting extra debts not exceeding in any year \$20,000.

**334.** No such by-law of a County Council for contracting any such debt or loan for an amount not exceeding in any one year twenty thousand dollars over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the County (as constituted for judicial purposes), or if there is no such public newspaper, then in a public newspaper published nearest to the County, which said notice may be to the effect following:—

Certain by-laws of county council not to be valid, unless passed at meeting specially called and held three months after notice, &c.

The above is a true copy of a proposed by-law to be taken into consideration by the Municipality of the County (or United Counties) of \_\_\_\_\_, in the said County (or United Counties), on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

Form of notice.

G. H.,  
Clerk.

37 V. c. 16, s. 8. 40 V. c. 7, *Sched. A* (175.)

**335.** Where part only of a sum of money provided for by a by-law has been raised, the Council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. 36 V. c. 48, s. 253.

When part only of money raised, by-law may be repealed as to residue.

Proviso.

**336.** After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the Council shall not

Until debt paid, certain by-laws cannot be repealed,

Nor altered.

**Exceptions.**

alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 36 V. c. 48, s. 254.

No officer to neglect, etc. to carry out by-law for payment under colour of illegal by-law,

**337.** No officer of the Municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. 36 V. c. 48, s. 255.

Municipal councils may purchase public works, etc., and contract debts to Crown,

**338.** Any Council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the Council may deem fit, for the payment of the price of any such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed to be levied in each year, as provided by sections three hundred and thirty to three hundred and thirty-two of this Act. 36 V. c. 48, s. 256.

although no special or other annual rate settled.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

**339.** The Council may in any by-law to be passed for the creation of any such debt, or for the executing of any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the Council, settle and impose a special rate per annum, of such amount as the Council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the Municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any Council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 36 V. c. 48, s. 257.

## DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

*Amount and Limit of Rates. Sec. 340.**How estimated. Sec. 341.**Estimates and By-laws to be annual. Secs. 342, 343.**In case of deficiency. Secs. 344, 345.**In case of excess. Sec. 346.**Date from which Taxes imposed. Sec. 347.**Priority of Debentures. Sec. 348.**Power to Exempt from taxation. Sec. 349.**Reduction of Special Rate. Sec. 350.**Formalities in By-law therefor. Sec. 351.*

**340.** The Council of every Municipal Corporation, and of every Provisional Corporation, shall assess and levy on the whole rateable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year, but no such Council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited to two cents in the dollar.

2. If in any Municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the Municipality, and the interest and the principal of the debts contracted by such Municipality on the twenty-ninth day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such rateable property, the Council of such Municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within such Municipality are reduced within the aggregate rate aforesaid: but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. 36 V. c. 48, s. 258.

Provision when such aggregate not sufficient to pay debts payable within the year.

Proviso.

**341.** In Counties and local Municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. 32 V. c. 36, s. 10.

How rates to be calculated.

**342.** The Council of every County or local Municipality shall every year make estimates of all sums which may be required for the lawful purposes of the County or local Municipality, for the year in which such sums are required to be levied, each Municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. 32 V. c. 36, s. 13.

Estimates to be made annually.

**343.** The Council of every Municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed

By-laws for raising money by rate.

value of the property therein as the Council deems sufficient to raise the sums required on such estimates. 32 V. c. 36, s. 14.

If the amount collected falls short.

**344.** If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any unappropriated fund belonging to the Municipality. 32 V. c. 36, s. 15.

Estimates may be reduced proportionally.

**345.** If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them. 32 V. c. 36, s. 16.

When sums collected exceed estimate, appropriation of the balance.

**346.** If the sums collected exceed the estimates, the balance shall form part of the general fund of the Municipality, and be at the disposal of the Council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. 32 V. c. 36, s. 17.

Yearly taxes to be computed from 1st January, unless otherwise ordered.

**347.** The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the first day of January of the then current year, and end with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. 32 V. c. 36, s. 18.

Priority of debentures.

**348.** All debentures issued before the first day of January, in the year of our Lord one thousand eight hundred and sixty-seven, by Municipal Corporations, under any by-law, and based upon the yearly value of rateable property at the time of passing such by-law, shall hold the order of priority which they occupied on the said first day of January, one thousand eight hundred and sixty-seven; and each Municipal Corporation (having so issued debentures) shall levy a rate on the actual real value of the rateable property within the Municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year one thousand eight hundred and sixty-six; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

How rates for paying them to be calculated.

To be applied solely to such purposes.

Rate for sinking funds.

**2.** In cases where a sinking fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. 32 V. c. 36, s. 11.



**349.** Every Municipal Council shall have the power of exempting any manufacturing establishment, in whole or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. 36 V. c. 48, s. 259; *and see* post s. 454 (5). Power to exempt factories from taxation.

**350.** In case in any particular year, one or more of the following sources of revenue,—namely: When the rate imposed by by-law may be reduced by by-law.

(a.) The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and

(b.) The sum on hand from previous years; and

(c.) Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and

(d.) Any sum derived from the temporary investment of the sinking fund of the debt, or any part of it, and carried to the credit of the special rate and sinking fund accounts respectively,

amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the Council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last mentioned surplus and the annual sum which the original by-law named and required to be raised as a special rate. 36 V. c. 48, s. 260.

**351.** The by-law shall not be valid unless it recites:—(1.) The amount of the special rate imposed by the original by-law; (2.) The balance, of such rate for the particular year, or on hand from former years; (3.) The surplus income of the work, share or interest therein received for such year; and (4.) The amount derived for such year from any temporary investment of the sinking fund— Recitals requisite in such by-law.

Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law— Reduced rate to be named.

Nor unless the by-law is afterwards approved by the Lieutenant-Governor in Council. 36 V. c. 48, s. 261. By-law to be approved of by the Lieut.-Governor.

#### DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

*When and how made. Secs. 352, 353.*

*By Senior for Junior Municipality. Sec. 354.*

**352.** In case any Council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so, by by-law, in the manner and subject to the provisions and restrictions following: Anticipatory appropriations may be made.

What funds may be so appropriated.

1. The Council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(c.) And of any money derived from any temporary investment of the sinking fund;

(d.) And of any surplus money derived from any corporation work or any share or interest therein;

(e.) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated;

The sources and application to be stated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year;

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may then pass a by-law directing that the original rate for such next ensuing year be not levied. 36 V. c. 48. s. 262.

By-law must recite—

**353.** The by-law shall not be valid unless it recites—

The original debt and object.

(a.) The original amount of the debt, and in brief and general terms, the object for which the debt was created;

The amount paid.

(b.) The amount, if any, already paid of the debt;

The annual amount for sinking fund.

(c.) The annual amount of the sinking fund appropriation required in respect of such debt;

The amount for sinking fund in hand.

(d.) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested;

The amount required for interest.

(e.) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation; and

And that it is reserved, etc.

(f.) That the Council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's

interest (naming the amount of it), and that the Council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year;

2. No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. 36 V. c. 48, s. 263.

By-law to be approved by Lieut. Governor.

**354.** After the dissolution of any Municipal Union, the Senior Municipality may make an anticipatory appropriation for the relief of the Junior Municipality, in respect of any debt secured by the by-law, in the same manner as the Senior Municipality might do on its own behalf. 36 V. c. 48, s. 264.

Anticipatory appropriation on separation of municipalities.

TITLE III.—RESPECTING FINANCE.

- DIV. I.—ACCOUNTS AND INVESTMENTS.
- DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

- Accounts for Special Rate and Sinking Fund.* Sec. 355.
- Surplus on Special Rate, Application of.* Sec. 356-357.
- Surplus on Special Rate, Investment of.* Sec. 358.
- General Surplus, Application of.* Sec. 359-361.
- Unauthorized Application, Liability for.* Sec. 362.
- Yearly Returns to Government.* Sec. 363-364.

**355.** The Council of every Municipal Corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 36 V. c. 48, s. 265.

Two special accounts to be kept; 1, of the special rates; 2, of the sinking fund or instalments of principal.

**356.** If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. 36 V. c. 48, s. 266.

When surplus may be applied to next year's interest, and to sinking fund.

Application of moneys with consent of Lieutenant-Governor in Council.

**357.** The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said Council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the Municipal Council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. 36 V. c. 48, s. 267.

Surplus may be invested in certain cases.

**358.** If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Council shall from time to time, invest in Government securities or otherwise, as the Lieutenant-Governor in Council may direct. 36 V. c. 48, s. 268.

Council may apply other funds towards such debts.

**359.** Every such Council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. 36 V. c. 48, s. 269.

Certain moneys may be set apart for educational purposes. Investment of same.

**360.** Any Municipal Corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law or by other by-laws passed for that purpose.

Proviso: as to investment.

2. No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. 36 V. c. 48, s. 270. *See Rev. Stat. c. 28, s. 7; and c. 204, s. 93.*

Loans to school trustees.

**361.** Any Municipal Corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same



in a loan or loans to any Board or Boards of School Trustees within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law ; or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor School Sections within the Municipality. 36 Aid to poor school sections  
 V. c 48, s. 271. See *Rev. Stat. c. 204, s. 94.*

**362.** No member of any Municipal Corporation shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by the seventh section of *The Act respecting the Clergy Reserves*, or by any other law in that behalf made and provided, and any such person so doing shall be held personally liable for any loss sustained by such Corporation. 36 No members of corporation to be party to investment.  
 Rev. Stat. c. 28, s. 7.  
 Liability for loss.  
 V. c 48, s. 272.

**363.** The Treasurer of every Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality, transmit to the Treasurer of Ontario, on or before the fifteenth day of January in every year, a return, certified on the oath of the Treasurer before some Justice of the Peace, containing the amount of taxable property in the Municipality according to the then last assessment roll or rolls ; a true account of all the debts and liabilities of the Municipality, for every purpose, for the then last year ; and such further information and particulars with regard to the liabilities and resources of the Municipality as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown. 36 Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer.  
 Penalty for default.  
 V. c 48, s. 273.

**364.** Every Council shall, on or before the thirty-first day of January in each year, under a penalty of twenty dollars in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Provincial Secretary, an account, in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day, Every Council to make a yearly report of state of debts to Lieutenant-Governor, etc.

1. The original amount of the debt ;
2. The date when it was contracted ;
3. The days fixed for its payment ;
4. The interest to be paid therefor ;

What such report must show.

5. The rate provided for the redemption of the debt and interest;

6. The proceeds of such rate for the year ending on such thirty-first day of December;

7. The portion (if any) of the debt redeemed or paid during such year;

8. The amount of interest (if any) unpaid on such last mentioned day; and

9. The balance still due of the principal of the debt. 36 V. c. 48, s. 274.

## DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

*When granted.* Sec. 365.

*Expenses of.* Sec. 366.

When a commission of inquiry may issue.

**365.** In case one-third of the members of any Council, or thirty duly qualified electors of the Municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause is shown, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. 36 V. c. 48, s. 275.

Expenses of such commissions provided for.

**366.** The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the Corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the Treasurer of the Corporation. 36 V. c. 48, s. 276.

## TITLE IV.—ARBITRATIONS.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

DIVISION II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

*How appointed.* Secs. 367-371.

*Failure of parties to appoint. Sec. 372.*

*Respecting real property, &c. Secs. 373-374.*

*Where several interests. Secs. 375-376.*

*Award, when to be made. Sec. 377.*

*Certain persons disqualified. Sec. 378.*

**367.** The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a Corporation, under the corporate seal, and authenticated in like manner as a by-law. 36 V. c. 48, s. 277.

Appointments  
how to be  
made.

**368.** The arbitrators on behalf of a Municipal Corporation shall be appointed by the Council thereof, or by the head thereof, if authorized by a by-law of the Council. 36 V. c. 48, s. 278.

Council or  
head thereof  
may appoint  
for corpo-  
ration.

**369.** In cases where arbitration is directed by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, and therein calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given. A notice to a Corporation shall be given to the head of the Corporation. 36 V. c. 48, s. 279.

Mode of ap-  
pointing arbi-  
trators and  
conducting  
arbitrations.

**370.** The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly named of the two arbitrators appoint in writing a third arbitrator. 36 V. c. 48, s. 280.

Third arbitra-  
tor to be ap-  
pointed.

**371.** In cases where more than two Municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the Municipalities interested, appoint such arbitrator. 36 V. c. 48, s. 281.

When more  
than two mu-  
nicipalities.

**372.** In case of an arbitration between Municipal Corporations, if for twenty-one days, or in case the arbitration is respecting drainage works, then, if for twenty days after having received such notice, the party notified omits to appoint an arbitrator; or if for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between Townships or between a Township and a Town or an incorporated Village, the Judge of the County Court of the County within which the Townships, Town or incorporated Village are or any of them is situate, or in case the arbitration is between other Municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. 36 V. c. 48, s. 282.

Provision in  
case of neglect  
to appoint.

Arbitration as to real property taken or injured by Municipal Corporations.

**373.** In case of an arbitration between a Municipal Corporation and the owners or occupiers of, or other persons interested in real property entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints and gives due notice to the head of the Council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of the Council shall, if authorized by by-law, within seven days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intends to exercise with respect to the property, describing it. 36 V. c. 48, s. 283; 40 V. c. 7, *Sched. A*, (177.)

Provision if owner of property fails to name arbitrator.

**374.** In any such last mentioned arbitration, if after service on the owner or occupier of, or person so interested in, the property of a copy of any by-law, certified to be a true copy under the hand of the Clerk of the Council, the owner or occupier or person so interested omits for twenty-one days to name an arbitrator, and give notice thereof as aforesaid, the Council or the head, if authorized by by-law, may name an arbitrator on behalf of the Council, and give notice thereof to such owner, occupier or person so interested, and the latter shall, within seven days thereafter, name an arbitrator on his behalf. 36 V. c. 48, s. 284; 40 V. c. 7, *Sched. A* (177.)

Where several parties are interested in the same property.

**375.** In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in the three hundred and seventy-third section, under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the Council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon and give notice of an arbitrator jointly appointed in their behalf before the County Court Judge shall have power to name an arbitrator for them. 36 V. c. 48, s. 285.

County Court judge to appoint arbitrator in certain cases.

**376.** If any such owner, occupier or person so interested, or the head of any such Council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of said arbitrators refuse or neglect to act, the Judge of the County Court of the County in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits



of the Municipality in which the property in question is situate, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. 36 V. c. 48, s. 286; 40 V. c. 7, *Sched. A* (178).

**377.** In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. 36 V. c. 48, s. 287.

**378.** No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act. 36 V. c. 48, s. 288.

Persons disqualified from acting as arbitrators.

## DIVISION II.—PROCEDURE.

*Oath of Arbitrator.* Sec. 379.

*Proceedings.* Sec. 380.

*Costs, power over.* Sec. 381.

*Majority to decide.* Sec. 382.

*Evidence, where filed.* Sec. 383.

*Award, when adoption by By-law required.* Sec. 384.

*Award, how made, and jurisdiction of Courts.* Sec. 385.

**379.** Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

Arbitrators to be sworn.

“I (A, B,) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God.”

Form of oath.

36 V. c. 48, s. 289.

**380.** The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the Clerk of each of the Municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the Registrar of deeds for the County or other Registration Division in which the lands affected are situate. 36 V. c. 48, s. 290.

Time of meeting, &c.

**381.** The arbitrators shall have power to award the pay- Costs.

ment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that such costs should be taxed on either the scale of Superior Courts of Common Law, or of the County Courts, in which case such costs shall be taxed by the officer in the County of the proper Court, without any further order, and the amount shall be payable one week after such taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. 36 V. c. 48, s. 291.

Majority to decide.

**382.** In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. 36 V. c. 48, s. 292.

Notes of the evidence adduced to be taken and filed in certain cases.

**383.** In the case of any award under this Act, which does not require adoption by the Council, or in case of any award to which a Municipal Corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the Clerk of the Council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. 36 V. c. 48, s. 293.

Grounds of decision, etc., to be stated in writing.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

**384.** In case the award relates to property to be entered upon, taken or used as mentioned in the three hundred and seventy-third section, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. 36 V. c. 48, s. 294.

Award to be made by at least two arbitrators, and subject to Superior Courts.

**385.** Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of Law or Equity, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by the three hundred and eighty-third section, the Court shall consider not only the legality of the award but the merits as they appear from the proceed-

ings so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint, as prescribed in "*The Common Law Procedure Act*," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the Court to require. 36 V. c. 48, s. 295.

Powers of the Courts in such matters.

Rev. Stat. c. 50.

## TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

*To be under seal and bear signature of head.* Sec. 386.

*Railway Debentures.* Sec. 387.

*Defects in form.* Sec. 388.

*Local Improvement Debentures.* Sec. 389.

*Transfer of Registered Debentures.* Secs. 390-393.

*No issue under \$100.* Sec. 394.

*Restrictions as to Banking.* 29-30 V. c. 51, ss. 218, 219, p. 1701.

**386.** All debentures and other instruments duly authorized to be executed on behalf of a Municipal Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the Treasurer of the Municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures. 36 V. c. 48, s. 296.

Debentures, bonds, &c., how to be executed.

[Section 217 of 29-30 V. c. 51, is as follows:—

217. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon.]

Full amount recoverable, though negotiated at interest exceeding 6 per cent or below par.

**387.** Any debenture issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the Corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 36 V. c. 48, s. 297.

In certain cases, debentures valid without corporate seal, &c.

Debentures  
valid notwith-  
standing de-  
fect in form.

Proviso.

**388.** Any debentures issued under the authority of any by-law which has been promulgated under chapter forty-eight of the Acts passed in the thirty-sixth year of Her Majesty's reign or under this Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof: Provided that the said by-law is in accordance with subsections one to five, both inclusive, of section three hundred and thirty, or in accordance with section three hundred and thirty-two, and has received the assent of the electors where necessary, and that no successful application has been made to quash the same before the end of the next Term after the promulgation thereof. 36 V. c. 48, s. 298; 39 V. c. 7, s. 2 (*Sched.*)

Form of de-  
benture.

**389.** Every debenture issued under the sections of this Act numbered five hundred and fifty-one, five hundred and fifty-two, and five hundred and fifty-three, shall bear on its face the words "*Local Improvement Debenture*," and shall contain a reference, by date and number, to the by-law under which it is issued. 36 V. c. 48, s. 299.

Mode of trans-  
fer may be  
prescribed.

**390.** Any debentures to be issued by any Municipal Council may contain a provision in the following words:

"This debenture, or any interest therein, shall not, *after* a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (or Village) of \_\_\_\_\_, or to the like effect.

36 V. c. 48, s. 300.

Debenture  
registry book.

**391.** The Treasurer of every Municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of any such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the said Treasurer and duly filed. 36 V. c. 48, s. 301.

Registered  
debentures  
transferred by  
entry, etc.

**392.** After such certificate of ownership has been endorsed as aforesaid, such debenture shall only be transferable by entry, by the Treasurer of the Municipality or his deputy, in such Debenture Registry Book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. 36 V. c. 48, s. 302.

Council may  
authorize the  
borrowing of  
sums to pay  
current  
expenses.

**393.** The Council of every Municipality may authorize its head, with the Treasurer thereof, under the seal of the Corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the Corpo-



ration, until such time as the taxes levied therefor can be collected, and the Council shall by by-law regulate the amounts to be so borrowed, and the promissory note or notes to be given in security therefor. 36 V. c. 48, s. 303.

**394.** No Council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void: but nothing herein contained shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen and two hundred and nineteen of the Act of the Parliament of the late Province of Canada, passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, as is intended to prohibit Municipal Councils acting as bankers, or issuing notes to circulate as those of a bank. 36 V. c. 48, s. 304.

Without special authority, no bond, etc. etc., to be given for less than \$100.

Proviso.

*[Sections 218 and 219 of 29-30, V. c. 51, are as follows:—*

218. No Council shall act as bankers, or issue any bond, bill, note, debenture or other undertaking, of any kind or in any form, in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie, or to pass as money; nor, unless specially authorized so to do, shall any Council make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void.

Restrictions upon Councils as to banking, issuing bills, bonds, &c.

219. In case any person issues or makes, or assists in issuing or making, or knowingly utters or tenders in payment or exchange, any bond, bill, note, debenture or undertaking, of any kind or in any form, in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor.]

To issue bank notes, &c., contrary to this Act, declared a misdemeanor.

## TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

DIV. I.—JUSTICES OF THE PEACE.

DIV. II.—PENALTIES.

DIV. III.—WITNESSES AND JURORS.

DIV. IV.—CONVICTIONS UNDER BY-LAWS.

DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

DIV. VI.—CONTRACTS VOID ALIKE IN LAW AND EQUITY.

DIV. VII.—POLICE OFFICE AND POLICE MAGISTRATE.

DIV. VIII.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE.

DIV. IX.—COURT HOUSES, GAOLS AND OTHER PLACES OF IMPRISONMENT.

DIV. X.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.

DIV. XI.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

### DIVISION I.—JUSTICES OF THE PEACE.

(See also Rev. Stat. c. 72.)

*Justices of the Peace, Who are ex officio.* Secs. 395-397.

*Jurisdiction of Mayors of Cities and Towns.* Sec. 396.

*Jurisdiction of Justices in cases under By-laws.* Secs. 398, 399.

Certain persons to be *ex officio* justices of the peace.

**395.** The head of every Council, and the Reeve of every Town, Township and incorporated Village, shall, *ex officio*, be Justices of the Peace for the whole County, or Union of Counties, in which their respective Municipalities lie, and Aldermen in Cities shall be Justices of the Peace for such Cities. 36 V. c. 48, s. 306.

Jurisdiction of mayors over certain offences.

**396.** The Mayor of a Town or City where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the Town or City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office. 36 V. c. 48, s. 309.

Qualification of certain officials.

**397.** No Warden, Mayor, Reeve, or Alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. 36 V. c. 48, s. 314.

Jurisdiction of justices under by-laws.

**398.** Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any by-law of any Municipality in such County, where there is no Police Magistrate. 36 V. c. 48, s. 310.

Jurisdiction in cases not specially provided for.

**399.** In case any offence is committed against a by-law of a Council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the Council or not, may try and determine any prosecution for the offence. 36 V. c. 48, s. 311.

## DIVISION II.—PENALTIES.

*Recovery and enforcement thereof. Sec. 400–402.*

*Where offence against By-Laws. Sec. 401.*

*Application of penalties. Sec. 403.*

**400.** Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the County, or of the Municipality in which the offence was committed; and in default of payment the offender may be committed to the Common Gaol, House of Correction, or Lock-up House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding, (unless where other provision is specially made), thirty days, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. 36 V. c. 48, s. 315.

Recovery and enforcement of penalties.  
Imprisonment in default of payment.

**401.** The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 36 V. c. 48, s. 317.

Penalties imposed by by-laws.  
Award of penalty and costs.  
How levied.

**402.** In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the Common Gaol, House of Correction, or nearest Lock-up House, for the term, or some part thereof, specified in the by-law. 36 V. c. 48, s. 318.

Commitment in default of distress.

**403.** Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Municipal Corporation, unless the prosecution is brought in the name of the Corporation, in which case the whole of the pecuniary penalty shall be paid to the Corporation. 36 V. c. 48, s. 319.

Fines, how applied.

[See as to summary method of enforcing by-laws Sec. 455.]

## DIVISION III.—WITNESSES AND JURORS.

*Witnesses, who may be. Sec. 404.*

*Ratepayers, members, officers, &c., of corporations as witnesses. Sec. 405.*

*Liable to challenge as jurors. Sec. 405.*

*Compelling attendance of witnesses. Sec. 406.*

Who may be a witness.

**404.** Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on such hearing 36 V. c. 10, s. 4: c. 48, s. 320.

Ratepayers, members, officers, &c., of corporation competent witnesses—may be challenged as jurors.

**405.** In any prosecution, suit, action or proceeding in any civil matter to which a Municipal Corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the Corporation, the party to such prosecution, suit, action or proceeding, is a County. 36 V. c. 48, s. 321.

Compelling witnesses to attend, &c.

**406.** In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. 36 V. c. 48, s. 322.

#### DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

##### *Form of Conviction. Sec. 407.*

Form of conviction under by-laws.

**407.** It shall not be necessary in any conviction made under any by-law of any Municipal Corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following:

PROVINCE OF ONTARIO,	}	that on the	day of	, A.D.
County of				
To Wit.		at		

BE IT REMEMBERED

, A. B. is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said A. B. (stating the offence, and time and place, and when and where committed), contrary to a certain by-law of the Municipality of the of , in the said County of , passed on the day of , A.D. , and intituled (reciting the title of the by-law); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and



also to pay to C. D., the complainant, the sum of \_\_\_\_\_ for his costs in this behalf. And if the said several sums are not paid forthwith (or on or before the \_\_\_\_\_ day of \_\_\_\_\_, as the case may be), I order that the same be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the Common Gaol of the said County of \_\_\_\_\_ (or, in the public Lock-up at \_\_\_\_\_) for the space of \_\_\_\_\_ days, unless the said several sums, and all costs and charges of conveying the said A. B. to such Gaol (or Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at \_\_\_\_\_, in the said County. \_\_\_\_\_,

(L.S)

J. M.,  
J.P.

36 V. c. 48, s. 323

## DIVISION V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

*Proceedings thereon. Sec. 408.**Municipal Officers, also Officers of Court. Sec. 409.*

**408.** Any writ of execution against a Municipal Corporation may be endorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following: Proceedings on writs of execution against Municipalities.

1. The Sheriff shall deliver a copy of the writ and endorsement to the Treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service; Sheriff to deliver copy of writ and statement of claim to Treasurer.

2. In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the Sheriff within one month after the service, the Sheriff shall examine the assessment rolls of the Corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees, and the Collector's percentage, up to the time when such rate will probably be available; If claim not paid, rate to be struck by Sheriff.

3. The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept, after reciting the writ, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector or Collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates; Sheriff's precept to collector, &c., to levy rate.

Rate rolls.

4. In case at the time for levying the annual rates next after the receipt of such precept, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their percentage;

Surplus.

5. The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Treasurer, for the general purposes of the Corporation. 36 V. c. 48, s. 324.

Clerk, Assessors and Collectors to be officers of the court from which writ issues.

**409.** The Clerk, Assessors and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. 36 V. c. 48, s. 325.

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#### DIVISION VI.—CONTRACTS VOID ALIKE IN LAW AND EQUITY.

*Contracts with members of Council void.* Sec. 410.

Contracts by members with the Corporation to be void at law if void in equity.

**410.** In case a member of the Council of any Municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the Corporation is a party interested, and which is on that account void or voidable in Equity, the same contract, purchase or sale shall also be held void in any action at Law thereon against the Corporation. 36 V. c. 48, s. 327.

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#### DIVISION VII.—POLICE OFFICE AND POLICE MAGISTRATE.

(See also Rev. Stat. c. 72.)

*Who to preside in Police Office.* Sec. 411.  
*Clerk of.* Sec. 412.

Police offices in cities and towns.

**411.** The Council of every Town and City shall establish therein a Police Office; and the Police Magistrate, or in his

absence, or where there is no Police Magistrate, the Mayor of the Town or City shall attend at such Police Office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a Town or City may, at the request of the Mayor thereof, act in his stead at the Police Office.

2. Except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by proclamation for a Public Fast, Thanksgiving, or Holiday, or on any day set apart by the Council as a Civic Holiday. 36 V. c. 48, s. 328.

**412.** The Clerk of the Council of every City or Town, or such other person as the Council of the City or Town appoints for that purpose, shall be the Clerk of the Police Office thereof, and perform the same duties and receive the same emoluments as Clerks of Justices of the Peace; and in case the said Clerk is paid by a fixed salary, the said emoluments shall be paid by him to the Municipality, and form part of its funds, and such Clerk shall be the officer of and under the Police Magistrate. 36 V. c. 48, s. 329.

Clerk of police office, and his duties.  
Fees or salary.

#### DIVISION VIII.—BOARD OF COMMISSIONERS OF POLICE IN CITIES AND POLICE FORCE IN CITIES AND TOWNS.

*Board, members of.* Sec. 413.

*Powers of, as to witnesses.* Sec. 414.

*Quorum, who to be.* Sec. 414.

*May license horses, cabs, &c.* Sec. 415.

*By-laws of, how authenticated and proved.* Sec. 416.

*Infraction of, how punishable.* Sec. 417.

*High Bailiffs.* Sec. 418.

*Police Force.* Sec. 419.

*Appointment of.* Sec. 420.

*Regulations for.* Sec. 421.

*Duties of.* Sec. 422.

*Remuneration of.* Sec. 423.

*Constables in Towns where no Police Magistrate.* Sec. 424.

*Dissolution of present Boards.* Sec. 425.

*Arrests without warrant.* Sec. 426.

*Suspension from office.* Secs. 427, 428.

**413.** In every City there is hereby constituted a Board of Commissioners of Police, and in every Town having a Police Magistrate the Council may constitute a like Board; and such Board shall consist of the Mayor, the Judge of the County Court of the County in which the City or Town is situate, and the Police Magistrate; and in case the office of County Judge or

Board of Commissioners of Police in cities and towns, of whom composed.

that of Police Magistrate is vacant, the Council of the City shall and the Council of the Town may appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require, during such vacancy: but the Council of any such Town may at any time, by by-law, dissolve and put an end to the Board, and thereafter the Council shall have and exercise all powers and duties previously had or exercised by the Board. 37 V. c. 16, s. 10.

Powers as to witnesses.

Majority to constitute a quorum.

**414.** Such Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties; and a majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board. 36 V. c. 48, s. 334; 37 V. c. 16, s. 10.

Licensing livery stables, cabs, etc.

Shall make by-laws.

**415.** The Board of Commissioners of Police shall in Cities regulate and license the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner and to the extent in which any by-law to be passed under the authority of this Act may be enforced. 36 V. c. 48, s. 335.

How such by-laws authenticated and proved.

**416.** All by-laws of such Board of Commissioners of Police shall be sufficiently authenticated by being signed by the Chairman of the Board, which passes the same; and a copy of any such by-law written or printed and certified to be a true copy by any member of such Board, shall be deemed authentic, and be received in evidence in any Court of justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged. 36 V. c. 48, s. 336.

May be enforced by penalties, etc.

How recovered

**417.** In all cases where the Board of Commissioners of Police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the City for which the same are passed, or, in his absence before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of City Councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinbefore set forth. 36 V. c. 48, s. 337.

High bailiffs.

**418.** The Council of every City shall appoint a High Bailiff, but may provide by by-law that the offices of High Bailiff and Chief Constable shall be held by the same person. 36 V. c. 48, s. 338.



**419.** The Police Force in Cities and Towns having a Board of Commissioners of Police, shall consist of a Chief Constable and as many Constables and other officers and assistants as the Council from time to time deem necessary, but in Cities, not less in number than the Board reports to be absolutely required. 37 V. c. 16, s. 11.

Police force in cities and towns.

**420.** The members of such Police Force shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe to the following oath:—

Appointment of members thereof.

I, *A. B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the  
 of without favour or affection, malice or ill-will ; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects ; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

Oath of office.

36 V. c. 48, s. 340.

**421.** The Board shall, from time to time, make such regulations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. 36 V. c. 48, s. 341.

Board to make police regulations.

**422.** The Constables shall obey all lawful directions, and be subject to the government of the Board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders ; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to Constables duly appointed. 36 V. c. 48, s. 342.

Constables to be subject to the board.

Duties of constables.

**423.** The Council shall appropriate and pay such remuneration for and to the respective members of the force as may be required by the Board of Commissioners of Police ; and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the Board may from time to time deem requisite and require for the payment, accommodation and use of the force. 36 V. c. 48, s. 343.

Remuneration and contingent expenses.

**424.** The Council of every Town not having a Board of Commissioners of Police shall, and the Council of every incorporated Village may, appoint one Chief Constable, and one or more constables for the Municipality ; and the persons so appointed shall hold office during the pleasure of the Council. 37 V. c. 16, s. 12.

Constables in towns and villages.

**425.** Wherever in any Town there was on the twenty-fourth day of March, 1874, a Board of Commissioners of Police constituted under the Acts then in force respecting Municipal Institutions in this Province, the Council of said Town may by by-law dissolve and put an end to said Board, and thereafter the Council

Dissolution of boards of police commissioners in towns.

shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by said Board; and unless and until so dissolved and put an end to, the said Board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by said Board. 37 V. c. 16, s. 13.

Arrests by constables for alleged breaches of the peace not committed in their presence.

**426.** In case any person complains to a Chief of Police, or to a constable in a Town or City, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or sitting Justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to law. 36 V. c. 48, s. 345.

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

**427.** Until the organization of a Board of Police, every Mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the Chief Constable, or any Constable of the Town or City, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the Council, and the Council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the City Council shall have the like powers as to the High Bailiff of the City. 36 V. c. 48, s. 346.

Incapacity of such officer to act.

**428.** During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. 36 V. c. 48, s. 347.

Salary to cease.

#### DIVISION IX.—COURT-HOUSES, GAOLS AND OTHER PLACES OF IMPRISONMENT.

*Erection and care of.* Secs. 429-448.

*Who to be confined in.* Secs. 438, 439, 449, 451, 29-30 V. c. 51, ss. 409, 414 & 415.

*Expense of prisoners.* Sec. 450.

**429.** Every County Council may pass by-laws for erecting, improving and repairing a Court-House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. 36 V. c. 48, s. 348.

County council may pass by laws as to county buildings.

**430.** The Gaol, Court-House and House of Correction of the County in which a Town or City, not separated for all purposes from a County, is situate, shall also be the Gaol, Court-House, and House of Correction of the Town or City, and shall, in the case of such City, continue to be so until the Council of the City otherwise directs; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the Town or City. 36 V. c. 48, s. 349.

Gaols and court-houses in counties and cities, etc., not separated.

**431.** The Council of any City may erect, preserve, improve and provide for the proper keeping of a Court-House, Gaol, House of Correction and House of Industry upon lands being the property of the Municipality, and may pass by-laws for all or any of such purposes. 36 V. c. 48, s. 350.

City councils may erect, &c., certain public buildings.

**432.** The Council of every County may establish and maintain a Lock-up House or Lock-up Houses within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up House, and may direct the payment of the salary out of the funds of the County. 36 V. c. 48, s. 351.

Lock-up houses may be established by county council.

**433.** Every Lock-up House shall be placed in the charge of a constable specially appointed for that purpose by the Magistrates of the County at a General Sessions of the Peace therefor. 36 V. c. 48, s. 352.

A constable to be placed in charge.

**434.** The Council of every City, Township, Town, and Incorporated Village may, by by-law, establish, maintain and regulate Lock-up Houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the Council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any Common Gaol or House of Correction, either for trial or in the execution of any sentence; and such Councils shall have all the powers and authorities conferred on County Councils in relation to Lock-up Houses. 36 V. c. 48, s. 353.

Lock-up houses.

**435.** Two or more Municipalities may unite to establish and maintain a Lock-up House. 36 V. c. 48, s. 354.

Joint lock-up houses.

Land may be acquired for industrial farms, house of industry, refuge, etc.

**436.** The Council of every County, City or Town separated from a County may acquire an estate in landed property for an Industrial Farm, and may establish a House of Industry and a House of Refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of Inspectors, Keepers, Matrons and other servants for the superintendence, care and management of such Houses of Industry or Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same:

Proviso as to united or contiguous counties.

2. Any two or more United Counties, or any two or more contiguous Counties, or any City and one or more Counties, or any Town or one or more Counties, may agree to have only one House of Industry or Refuge for such united or contiguous Counties, or City and Counties, or Town and Counties, and maintain and keep up the same in the manner herein provided. 36 V. c. 48, s. 355.

Inspectors to keep and render accounts of expenses, etc.

**437.** The Inspector of a House of Industry or Refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as of those discharged therefrom, and also of the earnings; and such account shall be rendered to the County Council every year, or oftener when required by a by-law of the Council; and a copy thereof shall be presented to the Legislature. 36 V. c. 48, s. 356.

By-laws may be passed establishing workhouses and houses of correction.

**438.** The Council of every City and Town may respectively pass by-laws:

1. For erecting and establishing within the City or Town, or on such Industrial Farm, or on any ground held by the corporation for public exhibitions, a Workhouse or House of Correction, and for regulating the government thereof;

Who liable to be committed thereto.

2. For committing and sending, with or without hard labour, to the Workhouse or House of Correction, or to the Industrial Farm, by the Mayor, Police Magistrate, or any Justice of the Peace, while having jurisdiction in the City or Town respectively, such description of persons as may by the Council be deemed, and by by-law be declared expedient; and such farm or ground held as aforesaid shall, for the purposes in this subsection mentioned, be deemed to be within the City or Town and the jurisdiction thereof. 36 V. c. 48, s. 357.

Until houses of correction be erected, the county gaols in each respective county are constituted

**439.** Until separate Houses of Correction are erected in the several Counties in Ontario, the Common Gaol in each County respectively shall be a House of Correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to



a House of Correction, shall, unless otherwise provided by law, be committed to the said Common Gaols respectively. C. S. U. C. c. 127, s. 11. houses of correction.

**440.** The Sheriff shall have the care of the County Gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the County Council, subject to the revision or requirement of the Inspector of Prisons and Public Charities. 36 V. c. 48, s. 358. Custody of gaols.  
Keepers.

**441.** The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the Gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the Gaol or prison. C. S. U. C. c. 127, s. 5. Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

**442.** The County Council shall have the care of the Court-House and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice other than the Division Courts, and for all officers connected with such Courts. 36 V. c. 48, s. 359. County council to have care of court-house, etc.

**443.** In any City not being a separate County for all purposes, but having a Gaol or Court-House separate from the County Gaol or Court-House, the care of such City Gaol or Court-House shall be regulated by the by-laws of the City Council. 36 V. c. 48, s. 360. City gaols to be regulated by by-laws of city council.

**444.** In case of a separation of a Union of Counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to Court-Houses or Gaols in force at the time of the separation, shall extend to the Court-House and Gaol of the Junior County. 36 V. c. 48, s. 361. Upon separation of union of counties, gaol and court-house regulations to continue.

**445.** Cities and Towns separated from Counties shall, as parts of their respective Counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred of erecting, building and repairing and maintaining the Court-House and Gaol of their respective Counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the Gaol and Courts of Justice, other than the Division Courts, and for all officers connected with such Courts; and in case the Council of the City or Town separate as aforesaid, and the Council of the County in which such City or Town is situate for judicial purposes cannot by agreement from time to time settle and determine the Liability of cities and towns separated from counties for erection and maintenance of court-house.  
Reference to arbitration in case of disagreement.

amount to be so payable by such City or Town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. 39 V. c. 34, s. 1.

Compensation by city or town for use of court-house, etc.

**446.** While a City or Town uses the Court-House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act. 36 V. c. 48, s. 364.

When the amount of compensation may be reconsidered.

**447.** In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the Councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. 36 V. c. 48, s. 365.

Existing lock-up houses to continue.

**448.** Nothing herein contained shall affect any Lock-up House heretofore lawfully established, but the same shall continue to be a Lock-up House as if established under this Act. 36 V. c. 48, s. 366.

This Act not to affect 29-30 V. c. 51, s. 409.

**449.** Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one. 36 V. c. 48, s. 367.

*[Section 409 of 29-30 V. c. 51, is as follows :—*

Justice may direct imprisonment in certain cases.

409. Any Justice of the Peace of the County may direct by warrant in writing under his hand and seal, the confinement in a Lock-up House within his County, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the Common Gaol, and until such person can be conveyed to such Gaol ; also the confinement in such Lock-up House, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a Lock-up House, instead of the Common Gaol or other House of Correction, any person convicted on view of the Justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law.]

Expense of conveying and maintaining prisoners.

**450.** The expense of conveying any prisoner to, and of keeping him in a Lock-up House, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the Common Gaol of the County. 36 V. c. 48, s. 368.

**451.** Nothing herein contained shall be taken or construed to affect or repeal sections four hundred and fourteen and four hundred and fifteen of the Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one. 36 V. c 48, s. 369.

This Act not to affect 29-30 V. c. 51, ss. 414, 415, which enact that

[Sections 414 and 415 of 29-30 V. c. 51, are as follows:—

414. Any two of Her Majesty's Justices of the Peace or of the Justices, etc., Inspectors appointed as aforesaid may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations, and orders of the House—

may commit persons who are

(1.) All poor and indigent persons who are incapable of supporting themselves ; Indigent.

(2.) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ; Idle.

(3.) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living ; Lewd.

(4.) And all such as spend their time and property in public-houses, to the neglect of any lawful calling ; Frequenters of public-houses.

(5.) And idiots.

Idiots.

415. Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.] Punishment of refractory inmates.

#### DIVISION X.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.

**452.** In case the Council of any Municipality at any time passes a resolution requesting the Judge of the County Court of the County in which the Municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the Municipality, or in case the Council of any Municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the Municipality, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon Commissioners under *The Act respecting Inquiries concerning Public Matters*, and the Judge

Investigation by county judge of charges of malfeasance by municipal officers.

Judge to have powers mentioned in Rev. Stat. c. 17.

shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon. 36 V. c. 48, s. 370.

DIVISION XI.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayor may  
call out *posse*  
*comitatus*.

**453.** The Mayor of any City or Town may call out the *posse comitatus* to enforce the law within his Municipality should exigencies require it, but only under the same circumstances in which the Sheriff of a County may now by law do so. 36 V. c. 48, s. 371.

## PART VII.

### POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.

TITLE II.—AS TO HIGHWAYS AND BRIDGES.

TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.

TITLE IV.—AS TO RAILWAYS.

### TITLE I.—POWERS IN GENERAL.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. II.—OF COUNTIES, CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. III.—OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. IV.—OF COUNTIES, CITIES AND SEPARATED TOWNS.

DIV. V.—OF CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. VI.—OF CITIES AND TOWNS.

DIV. VII.—OF TOWNS AND INCORPORATED VILLAGES.

DIV. VIII.—OF COUNTIES ONLY.

DIV. IX.—OF TOWNSHIPS ONLY.

DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

*Respecting the Obtaining of property. Sec. 454 (1).*

“ *Appointment of certain officers. Sec. 454 (2, 3).*

“ *Aid to Agricultural, &c., Societies. Sec. 454 (4).*

“ *“ Manufacturing Establishments. Sec. 454 (5).*



*Respecting Aid to Road Companies. Sec. 454 (6).*

“ “ *Indigent persons and charities. Sec. 454 (7).*

“ *Census. Sec. 454 (8).*

“ *Driving. Sec. 454 (9).*

“ *Drainage. Sec. 454 (10).*

“ *Mode of Egress from Buildings. Sec. 454 (11).*

“ *Fines and Penalties. Sec. 454 (12-14).*

“ *Purchase of Wet Lands. Sec. 454 (15).*

“ *Ornamental Trees. Sec. 454 (16).*

“ *Sale of Liquors. Sec. 454 (17).*

“ *Seizure of Bread of short weight. Sec. 454 (18).*

*Summary Remedy if By-laws not obeyed. Sec. 455.*

*Compensation for Lands taken. Sec. 456-459.*

**454.** The Council of every County, Township, City, Town and Councils may  
incorporated Village may pass by-laws :— make by-laws.

### *Obtaining Property.*

1. For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required ; 36 V. c. 48, s. 372 (1). For obtaining property, real and personal, etc.

### *Appointing certain Officers.*

2. For appointing such—

Pound-keepers,

Fence-viewers,

Overseers of Highways,

Road Surveyors,

Road Commissioners,

Valuators,

and such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers ; but nothing in this Act shall prevent any member of a Corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the Municipality ; and it shall be lawful for said Municipality to pay any such member of the Corporation acting as such commissioner, superintendent or overseer ; 36 V. c. 48, s. 372 (2). *See Rev. Stat. c. 188, s. 2 ; c. 192, s. 5.* May appoint certain officers.

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties ; 36 V. c. 48, s. 372 (3). *See s. 273 ante.* May fix fees and securities.

*Aiding Agricultural and other Societies.*

May grant aid  
to agricultural  
societies.

4. For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute within the Municipality, or within any adjoining Municipality; 36 V. c. 48, s. 372 (4); 40 V. c. 17, s. 113. (*See also Rev. Stat. c. 35, s. 113*).

*Aiding Manufacturing Establishments.*

May give aid  
by way of  
bonus to  
manufactures.

5. For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said Municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said Municipality may deem expedient, and may take security therefor:

Assent of  
electors neces-  
sary.

(a) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts.

Security may  
be required.

(b) Any Municipality granting such aid, may take and receive of and from such person or body corporate that may receive any such aid, security for the compliance with the terms and conditions upon which such aid is given. 36 V. c. 48, s. 372 (5). [*And see section 349 as to exempting manufacturing establishments from taxation.*]

*Aiding Road Companies.*

Aid for roads,  
bridges and  
harbours.

6. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the Municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts. 37 V. c. 16, s. 14; 39 V. c. 34, s. 9.

*Aiding Indigent Persons and Charities.*

May aid indi-  
gent persons  
and charities.

7. For aiding in maintaining any indigent person belonging to or found in the Municipality at any Work-House, Hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or for granting aid to any charitable institution or out-of-door relief to the resident poor; 36 V. c. 48, s. 372 (7). *See post, s. 467 (11).*

*Census.*

8. For taking a census of the inhabitants, or of the resident male freeholders and householders in the Municipality; 36 V. c. 48, s. 372 (8). Local census.

*Driving on Roads and Bridges.*

9. For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon; 36 V. c. 48, s. 372 (9). To regulate driving on roads and bridges.

*Drainage.*

10. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; 36 V. c. 48, s. 372 (10). Opening or stopping up drains and water-courses, etc.

*Egress from Buildings.*

11. For regulating the size and number of doors in churches, theatres and halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair railing in all such buildings, and the strength of beams and joists, and their supports; 29-30 V. c. 22, s. 4. For regulating construction of churches, etc.

*Fines and Penalties.*

(See also secs 400-403, p. 1703.)

12. For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,— Fines and penalties

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the Corporation, and who neglects or refuses to accept such office, unless good cause is shown therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and for neglect of duty,

(b) For breach of any of the by-laws of the Corporation; 36 V. c. 48, s. 372 (11). or breach of by-laws.

13. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender; 36 V. c. 48, s. 372 (12). Collecting penalties and costs.

Imprisonment  
when allowed,  
and time of.

14. For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a Lock-up House in some Town or Village in the Township, or in the County Gaol or House of Correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the Council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied: except for breach of any by-law or by-laws in Cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid; 36 V. c. 48, s. 372 (13).

### *Purchasing Wet Lands.*

Purchase of  
wet lands from  
Government.

15. For purchasing from the Government or any Corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such Corporation or person in any such Township; and such lands may be sold accordingly to the Corporation of any such Township; 36 V. c. 48, s. 372 (15).

Raising money  
for purchasing  
and draining  
same.

(a) The purchase and draining of such lands shall be one of the purposes for which any such Corporation may raise money by loan or otherwise, or for which they may apply any of its funds not otherwise appropriated. 36 V. c. 48, s. 372 (16).

May hold or  
dispose of  
such land.

(b) The Corporation of any Township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous. 36 V. c. 48, s. 372 (17).

Proceeds of  
sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the Municipality. 36 V. c. 48, s. 372 (18).

### *Ornamental Trees.*

Regulations as  
to trees,  
shrubs, etc.,  
in public  
places.

16. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but no such tree, shrub or sapling shall be so removed until after one month's notice thereof is given to the owner of the adjoining property, and he is recompensed for his trouble in planting and protecting the same: nor shall such owner, or any pathmaster or other public



officer, or any other person, remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the Municipal Council having the control of the public place, square, highway, street, road, lane, alley or other communication; and any Council may expend money in planting and preserving shade and ornamental trees upon any public place within the Municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes; 34 V. c. 31, ss. 3 & 5; 36 V. c. 48, s. 372 (19).

### *Temperance Laws.*

17. For prohibiting the sale of intoxicating liquors and the issue of licenses therefor, according to the provisions and limitations contained in "*The Temperance Act of 1864*," and "*The Temperance Act of Ontario*;" 36 V. c. 48, s. 372 (14).

Enforcing Temperance Acts.  
27-28 V. c. 18,  
Rev. Stat. c. 182.

### *Seizing Bread, etc.*

18. For seizing and forfeiting bread or other articles when of light weight or short measurement. 37 V. c. 16, s. 16. *See also post* 466 (10) (12).

Light weight and short measure.

### SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

**455.** Whenever any Municipal Council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such Council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. 36 V. c. 48, s. 377.

Mode of compelling performance of certain matters directed to be done by council, etc.

### COMPENSATION FOR LANDS TAKEN.

**456.** Every Council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 36 V. c. 48, s. 373.

Owners of lands taken by corporation, etc., to be compensated.

Differences to be determined by arbitration.

How title acquired to lands when owned by corporations, tenants in tail, vested in trustees, etc.

**457.** In the case of real property which a Council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof.

If there be no party who can convey, etc.

2. In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the County in which such property is situate may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes. 36 V. c. 48, s. 374.

Application, etc., of purchase money where party has not an absolute estate in the property.

**458.** In case any person acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other Court having equitable jurisdiction in such cases, in the meantime directs the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. 36 V. c. 48, s. 375.

Purchase money subject to charges on property.

**459.** All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 36 V. c. 48, s. 376.

## DIVISION II.—POWERS OF COUNCILS OF COUNTIES, CITIES TOWNS, AND INCORPORATED VILLAGES.

### *Respecting Harbours, Docks, &c. Sec. 460.*

By-laws may be made for—

**460.** The Council of every County, City, Town and incorporated Village may pass by-laws for the following purposes:—

### *Harbours, Docks, &c.*

The cleanliness of

1. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any

public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; 36 V. c. 48, s. 378 (1). wharves,  
docks, etc.

2. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; 36 V. c. 48, s. 378 (2). The removal of  
door steps, etc.  
obstructing  
wharves, etc.

3. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; 36 V. c. 48, s. 378 (3). The making,  
etc., of  
wharves,  
docks, etc.

4. For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master. 36 V. c. 48, s. 378 (4). Regulating  
harbours, bea-  
cons, wharves,  
elevators, etc.  
  
Vessels, etc.  
  
Harbour dues

### DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

- Respecting Polling Subdivisions. Sec. 461 (1.)*  
 “ *Disqualification of Electors. Sec. 461 (2.)*  
 “ *Billiard or Bagatellz Tables. Sec. 461 (3.)*  
 “ *Victualling Houses. Sec. 461 (4, 5.)*  
 “ *Schools. Sec. 461 (6.)*  
 “ *Cemeteries. Sec. 461 (7, 8.)*  
 “ *Cruelty to Animals. Sec. 461 (9.)*  
 “ *Dogs. Sec. 461 (10, 11.)*  
 “ *Fences. Sec. 461 (12.)*  
 “ *Division Fences. Sec. 461 (13.)*  
 “ *Watercourses. Sec. 461 (14.)*  
 “ *Weeds. Sec. 461 (15.)*  
 “ *Filth in Streets. Sec. 461 (16.)*  
 “ *Burning Stumps, Brush, &c. Sec. 461 (17.)*  
 “ *Exhibitions, Shows, &c. Sec. 461 (18.)*  
 “ *Graves. Sec. 461 (19.)*  
 “ *Shade Trees. Sec. 461 (20.)*  
 “ *Injury to property and notices. Sec. 461 (21, 22.)*  
 “ *Gas and Water Companies. Sec. 461 (23, 24.)*  
 “ *Public Morals. Sec. 461 (25-34.)*

*Respecting the Establishment of Boundaries. Sec. 461 (35),*  
 “ *Pounds. Sec. 463. [462.*  
 “ *Public Health. Sec. 464.*  
 “ *Lock-up Houses. Sec. 434.*  
 “ *Tavern and Shop Licenses. Rev. Stat. c. 181.*

By laws may be made for— **461.** The Council of every Township, City, Town or incorporated Village may pass by-laws:—

### *Polling Subdivisions.*

Dividing city or town into wards, etc.

And town-ship and vil-lages into polling sub-divisions, etc.

1. For dividing the Wards of such City or Town, or for dividing such Township or Village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any Ward, Township, Village or polling subdivision exceed two hundred, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time two hundred; 36 V. c. 48, s. 379 (1).

Polling sub-divisions to be the same for elections to Legislative Assembly and municipal elections.

Council of city, town or incorporated village may unite adjoining sub-divisions.

(a) Where a Municipality is divided into polling sub-divisions, the same polling sub-divisions shall be used both for the election of members of the Legislative Assembly and for municipal elections; and the polling sub divisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, except that the Municipal Council of every City, Town or incorporated Village, may by by-law unite, for the purposes of municipal elections, any two adjoining polling sub-divisions. 40 V. 12, ss. 2 & 3.

### *Disqualification of Electors not paying Taxes.*

Disqualifying electors in arrears for taxes.

2. For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes due by him on or before the fourteenth day of December next preceding the election; 36 V. c. 48, s. 379 (2). See also sec. 248.

### *Billiard or Bagatelle Tables.*

Licensing and regulating the use of billiard and bagatelle tables.

3. For licensing, regulating and governing all persons who, for hire or gain, directly or indirectly keep, or have in their possession, or on their premises, any billiard or bagatelle table or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force. 36 V. c. 48, s. 379 (3).

### *Victualling Houses, &c.*

Victualling houses, etc.,

4. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or



victuals are sold to be eaten therein, and all other places for number and reception, refreshment or entertainment of the public; 36 V. c. <sup>regulation of.</sup> 48, s. 379 (4).

5. For licensing the same when no other provision exists <sup>License and</sup> therefor, and for fixing the rates of such licenses not exceeding <sup>fee for same.</sup> twenty dollars; 36 V. c. 48, s. 379 (5).

### *Schools.*

6. For obtaining such real property as may be required for <sup>Acquiring</sup> the erection of Public School-Houses thereon, and for other <sup>land for pub-</sup> public school purposes, and for the disposal thereof when no <sup>lic schools,</sup> longer required; and for providing for the establishment and <sup>etc.</sup> support of Public Schools according to law; 36 V. c. 48, s. 379 (6).

### *Cemeteries.*

7. For accepting or purchasing land for public cemeteries, <sup>Acquiring land</sup> as well within as without the Municipality, but not within <sup>for cemeteries,</sup> any City, Town or incorporated Village, and for laying out, im- <sup>&c.</sup> proving and managing the same; but no land shall be accepted <sup>Proviso.</sup> or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public ceme- tery, and for no other purpose; and thereupon such land, although without the Municipality, shall become part thereof, and shall cease to be a part of the Municipality to which it for- merly belonged; and such by-law shall not be repealed; and the trustees of any burial ground may agree for the sale or transfer thereof to the Municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the Municipality may dispose thereof, and acquire other ground instead thereof; 36 V. c. 48, s. 379 (7). *See also Rev. Stat. c. 170.*

8. For selling or leasing portions of such land for the pur- <sup>Selling portion</sup> pose of interment, in family vaults or otherwise, and for declar- <sup>of such land</sup> ing in the conveyance the terms on which such portion shall be <sup>for certain</sup> held; 36 V. c. 48, s. 379 (8). <sup>purposes.</sup>

### *Cruelty to Animals.*

9. For preventing cruelty to animals; and for preventing <sup>Preventing</sup> the destruction of birds; the by-laws for these purposes not <sup>cruelty to ani-</sup> being inconsistent with any statute in that behalf; 36 V. c. 48, <sup>mals, and de-</sup> s. 379 (9). <sup>struction of</sup> <sup>birds.</sup>

### *Dogs.*

10. For restraining and regulating the running at large of <sup>Regulations a</sup> dogs, and for imposing a tax on the owners, possessors or har- <sup>to dogs.</sup> boursers of dogs; 36 V. c. 48, s. 379 (10).

Killing dogs. 11. For killing dogs running at large contrary to the by-laws; 36 V. c. 48, s. 379 (11).

*Fences.*

Fences. 12. For settling the height and description of lawful fences; and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof; 36 V. c. 48, s. 379 (12); 39 V. c. 34, s. 2.

*Division Fences.*

Division fences, and cost thereof. 13. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water Courses shall continue applicable to the Municipality; 36 V. c. 48, s. 379 (13).

Provision until by-laws made. Rev. Stat. cc. 198, 199.

*Water Courses.*

Watercourses. 14. For compelling the owners of lands through which any open drain or water course passes to erect and keep up water gates where fences cross such drain or water course, and for preventing persons obstructing any drain or water course; 36 V. c. 58, s. 379 (14).

*Weeds.*

Prevention of growth of thistles and weeds. 15. For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties; 37 V. c. 16, s. 15. See also Rev. Stat. c. 188.

*Filth in Streets.*

Preventing throwing of dirt, etc., in streets, etc. 16. For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, on any street, road, lane, or highway; 36 V. c. 48, s. 379 (16).

*Burning Stumps, Brush, &c.*

Regulating the burning of stumps, trees, brush, etc. 17. For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be

observed during such times, and for preventing such fires being kindled at other times; 36 V. c. 48, s. 379 (17).

*Exhibitions, Shows, &c.*

18. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen; and for requiring the payment of license fees for authorizing the same, not exceeding one hundred dollars for every such license; and for imposing fines on such persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman, or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month;

Regulating public shows, and licensing same.

Fines for infraction.

(a.) It shall not be lawful for the Council of any Municipal Corporation, or the Commissioners of Police in any City, to grant licenses or license certificates to persons having exhibitions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares or merchandise of whatever description, for gain, on the days of the Exhibition of the Agricultural Association of Ontario, or of any Electoral District or Township Agricultural Society, either on the grounds of such Society, or within the distance of three hundred yards from such grounds; 36 V. c. 48, s. 379 (18).

Licenses not to be granted for certain times and places.

*Graves.*

19. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred; 36 V. c. 48, s. 379 (19).

Protecting graves.

*Shade Trees.*

20. For allowing to any person who plants any fruit trees, or any trees, shrubs or saplings, suitable for affording shade on any highway within the Municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted; 36 V. c. 48, s. 379 (20). *See also Rev. Stat. c. 187.*

Encouraging planting of certain trees, etc.

*Injuries to Property and Notices.*

21. For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament; and the defacing of private or other property by printed or other notices; 36 V. c. 48, s. 379 (21).

Ornamental trees.

22. For preventing the pulling down or defacing of sign-boards, and of printed or written notices lawfully affixed; 36 V. c. 48, s. 379 (22).

Signs.

*Gas and Water Companies.*

- Authorizing gas and water companies to lay down pipes, etc. 23. For authorizing any corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit; 36 V. c. 48, s. 379 (23).
- Taking stock in gas and water companies. Proviso. 24. For acquiring stock in, or lending money to, any such Company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the Company: provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any Corporation holding stock in any such Company to the amount of ten thousand dollars shall be *ex officio* a Director of the Company in addition to the other Directors thereof, and shall also be entitled to vote on such stock at any election of Directors. 36 V. c. 48, s. 379 (24).
- Head of corporation to be a director in certain cases.

*Public Morals.*

- Sale of intoxicating drink to children, etc. 25. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector; 36 V. c. 48, s. 379 (31).
- Indecent placards, etc. 26. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; 36 V. c. 48, s. 379 (32).
- Vice, drunkenness, etc. 27. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; 36 V. c. 48, s. 379 (33).
- Lewdness. 28. For suppressing disorderly houses and houses of ill-fame; 36 V. c. 48, s. 379 (34).
- Exhibitions, etc. 29. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement; 36 V. c. 48, s. 379 (35).
- Gaming. 30. For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein; 36 V. c. 48, s. 379 (36).
- Racing. 31. For preventing horse racing; 36 V. c. 48, s. 379 (37).
- Vagrants. 32. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place; 36 V. c. 48, s. 379 (38).
- Indecent exposure. 33. For preventing indecent public exposure of the person and other indecent exhibitions; 36 V. c. 48, s. 379 (39).



34. For preventing or regulating the bathing or washing the person in any public water in or near the Municipality; 36 V. c. 48, s. 379 (40). Bathing.

*Establishing Boundaries.*

35. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the Municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. 36 V. c. 48, s. 379 (25). Regulating boundaries of municipalities.

**462.** In case the Council of any Township, City, Town or incorporated Village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any Concession or range or part thereof in the Municipality, or at the front or rear angles of the lots therein, the Council may apply to the Lieutenant-Governor, in the manner provided for in the thirty-eighth to the forty-fifth sections of *The Act respecting Land Surveyors and the Survey of Lands*, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands. Placing landmarks and monuments or marking boundaries of concessions, lots, etc.  
Rev. Stat. c. 146, ss. 38-45.

2. The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 36 V. c. 48, s. 380. Cost of survey.

*Pounds, &c.*

**463.** The Council of every Township, City, Town and incorporated Village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)— Cruelty to animals.

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound; Providing pounds.

2. For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; Animals running at large.

Appraising the damages.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the Municipality ;

Compensation with respect to impounding animals.

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 36 V. c. 48, s. 381. *See also Rev. Stat. c. 195.*

### *Public Health.*

Members of council to be health officers.

**464.** The members of every Township, City, Town and incorporated Village Council shall be Health Officers within their respective Municipalities, under *The Act respecting the Public Health*, and under any Act passed after this Act takes effect for the like purpose ; but any such Council may, by by-law, delegate the powers of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the Council thinks best. 36 V. c. 48, s. 382.

Rev. Stat. c. 190.

May delegate powers.

[*For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see sec. 434 ; and as to Tavern and Shop Licences, see Rev. Stat. c. 181, ss. 17, 21, 24 & 32.*]

## DIVISION IV.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

*Respecting Engineers, Inspectors, Gaol Surgeons, &c. Sec. 465 (1).*

“ *Auctioneers. Sec. 465 (2).*

“ *Hawkers and Pedlars. Sec. 465 (3).*

“ *Ferries. Sec. 465 (4).*

“ *High Schools. Sec. 465 (5, 6).*

“ *Support of scholars at High Schools and University of Toronto. Sec. 465 (7, 8).*

“ *Endowment of Fellowships. Sec. 465 (9).*

“ *Public Fairs. Sec. 465 (10).*

“ *Houses of Refuge. Sec. 433.*

By-laws may be made for—

**465.** The Council of any County, City and Town separated from the County for municipal purposes, may pass by-laws for the following purposes :

### *Engineers—Inspectors—Gaol Surgeons, etc.*

Appointing engineers, inspectors, gaol surgeons, etc.

1. For appointing, in addition to other officers, one or more Engineers, and also one or more Inspectors of the House of Industry ; also one or more Surgeons of the Gaol and other institutions under the charge of the Municipality ; and for the removal of such officers. 36 V. c. 48, s. 383 (1).

*Auctioneers.*

2. For licensing, regulating and governing auctioneers and Auctioneers.  
other persons selling or putting up for sale goods, wares,  
merchandise or effects by public auction; and for fixing the  
sum to be paid for every such license, and the time it shall be  
in force; 36 V. c. 48, s. 383 (2).

*Hawkers and Pedlars.*

3. For licensing, regulating and governing hawkers or petty Licensing, etc.  
chapmen, and other persons carrying on petty trades, who hawkers,  
have not become permanent residents in the County, City or pedlars, etc.  
Town, or who go from place to place or to other men's houses,  
on foot, or with any animal bearing or drawing any goods, wares  
or merchandise for sale, or in or with any boat, vessel or other  
craft, or otherwise carrying goods, wares or merchandise for sale,  
and for fixing the sum to be paid for a license for exercising  
such calling within the County, City or Town, and the time the  
license shall be in force; and for providing the Clerk of the  
Municipality with licenses in this and the previous sub-section  
mentioned, for sale to parties applying for the same, under such  
regulations as may be prescribed in such by-law; 36 V. c. 48,  
s. 383 (3).

*Ferries.*

4. For licensing and regulating ferries between any two places Licensing, etc.  
within the Municipality, under the provisions of *The Act re- with assent of*  
*specting Ferries*, and establishing the rates of ferriage to be Governor,  
taken thereon; but no such law as to ferries shall have effect ferries, etc.  
until assented to by the Lieutenant-Governor in Council; Rev. Stat. c.  
112, s. 13.

(a). Until the Council passes a by-law regulating such ferries, Until by-law  
and in the cases of ferries not between two places in the same passed,  
Municipality, the Lieutenant-Governor by Order in Council may Lieutenant-  
from time to time regulate such ferries respectively, and estab- Governor to  
lish the rates to be taken thereon, in accordance with the sta- regulate.  
tutes in force relating to ferries; 36 V. c. 48, s. 383 (4).

*Lands for High Schools.*

5. For obtaining in such part of the County, or of any City Acquiring  
or Town separated within the County, as the wants of the people lands for  
may most require, the real property requisite for erecting High Schools,  
High School houses thereon, and for other High School purposes, etc.  
and for preserving, improving and repairing such school houses,  
and for disposing of such property when no longer required; 36  
V. c. 48, s. 383 (5).

*Aiding High Schools.*

6. For making provisions in aid of such High Schools as Aiding High  
may be deemed expedient; 36 V. c. 48, s. 383 (6). Schools.

*Supporting Pupils at University and High Schools.*

Supporting certain High School pupils at University of Toronto and U. C. College, etc.

7. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School in Toronto, of such of the pupils of the public High Schools of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College; 36 V. c. 48, s. 383 (7). (*See also Rev. Stat. c. 205, s. 32 (4).*)

Similar provision for attendance at High Schools.

8. For making similar provision for the attendance at any High School, for like purposes, of pupils of Public Schools of the Municipality; 36 V. c. 48, s. 383 (8). (*See also Rev. Stat. c. 205, s. 32 (5).*)

*Endowing Fellowships.*

Endowing fellowships in University of Toronto and U. C. College.

9. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School at Toronto, for competition among the pupils of the Public High Schools in the County, as the Council deem expedient for the encouragement of learning amongst the youth thereof; 36 V. c. 48, s. 383 (9). (*See also Rev. Stat. c. 205, s. 32 (6).*)

*Public Fairs.*

Authorizing the holding, etc., of public fairs, and regulating same.

10. For authorizing, on petition of at least fifty qualified electors of the Municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the Municipality for municipal purposes;

(a.) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

(b.) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair.

Public notice of by-law establishing same.

(c.) The Council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. 36 V. c. 48, s. 383 (10).

[*For powers of Counties, Cities and Towns as to Houses of Refuge, see sec. 436.*]



## DIVISION V.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

*Respecting Water. Sec. 466 (1.)*“ *Markets. Sec. 466 (2-13.)*“ *Tainted Meat. Sec. 466 (14.)*“ *Nuisances. Sec. 466 (15-19.)*“ *Enclosure of Vacant Lots. Sec. 466 (20.)*“ *Driving upon Sidewalks. Sec. 466 (21.)*“ *Importuning Travellers. Sec. 466 (22.)*“ *Public Health. Sec. 466 (23.)*“ *Interments. Sec. 466 (24, 25.)*“ *Gunpowder. Sec. 466 (26.)*“ *Prevention of Fires. Sec. 466 (27-40.)*“ *Removal of Snow, Ice, Dirt. Sec. 466 (41.)*“ *Obstruction of Roads and Streets. Sec. 466 (42, 43.)*“ *Numbering Houses and Lots. Sec. 466 (44, 45.)*“ *Naming Streets. Sec. 466 (46.)*“ *Cellars. Sec. 466 (47, 48.)*“ *Sewerage and Drainage. Sec. 466 (49-52.)*“ *Transient Traders. Sec. 466 (53.)*“ *User of Streets. Sec. 466 (54.)*

**466.** The Council of every City, Town and incorporated Village may pass by-laws for the following purposes: By-laws may be made for—

*Water.*

1. For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water; 36 V. c. 48, s. 384 (1). Establishing, etc., public wells, reservoirs, etc.

*Markets, &c.*

2. For establishing markets; 36 V. c. 48, s. 384 (2). Establishing markets.

3. For regulating all markets established and to be established; the places, however, already established as markets in the Municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such Municipality shall continue to be vested in the Corporation thereof; 36 V. c. 48, s. 384 (3). Regulating markets.  
Old markets continued.

4. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware and other articles offered for sale; 36 V. c. 48, s. 384 (4). Regulating vending in streets, etc.

5. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed; 36 V. c. 48, s. 384 (5). Regulating sales, etc.

Sale of grain,  
butchers' meat,  
farm produce,  
small ware,  
etc.

6. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets and vacant lots adjacent thereto; 36 V. c. 48, s. 384 (6).

Preventing  
forestalling,  
etc.

7. For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market; 36 V. c. 48, s. 384 (7).

Regulating  
hucksters, etc.

8. For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners; 36 V. c. 48, s. 384 (8).

Measuring,  
etc., certain  
articles.

9. For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; 36 V. c. 48, s. 384 (9).

Penalties for  
light weight,  
etc.

10. For imposing penalties for light weight or short count, or short measurement in anything marketed; 36 V. c. 48, s. 384 (10). *See ante*, s. 454 (18).

Regulating  
vehicles used  
in market  
vending.

11. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid; 36 V. c. 48, s. 384 (11).

Assize of  
bread, etc.

12. For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; 36 V. c. 48, s. 384 (12). *See ante*, s. 454 (18).

Sale of meat  
distrained.

13. For selling, after six hours' notice, butchers' meat distrained for rent of market-stalls; 36 V. c. 48, s. 384 (13).

#### *Tainted Meat.*

Tainted pro-  
visions.

14. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; 36 V. c. 48, s. 384 (14).

#### *Nuisances.*

Abatement of  
nuisances.

15. For preventing and abating public nuisances; 36 V. c. 48, s. 384 (15).

Privy vaults.

16. For preventing or regulating the construction of privy vaults; 36 V. c. 48, s. 384 (16).

17. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; 36 V. c. 48, s. 384 (17). Slaughter houses, etc.

18. For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; 36 V. c. 48, s. 384 (18). Preventing noises.

19. For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; 36 V. c. 48, s. 384 (19). Firing of guns, etc.

#### *Vacant Lots.*

20. For causing vacant lots to be properly enclosed; 36 V. c. 48, s. 384 (20). Vacant lots.

#### *Driving upon Sidewalks.*

21. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor; 36 V. c. 48, s. 384 (21). Driving, etc., upon sidewalks.

#### *Importuning Travellers.*

22. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; 36 V. c. 48, s. 384 (22). Importuning travellers.

#### *Public Health.*

23. For providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; 36 V. c. 48, s. 384 (23). Public health. *See also Rev. Stat. c. 190.*

#### *Interments.*

24. For regulating the interment of the dead, and for preventing the same taking place within the Municipality; 36 V. c. 48, s. 384 (24). Interments.

25. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; 36 V. c. 48, s. 384 (25). Bills of mortality.

#### *Gunpowder.*

26. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for care of.

regulating and providing for the support, by fees, of magazines for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the Municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor; 36 V. c. 48, s. 384 (26).

*Preventing Fires.*

Fire companies, etc.

27. For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property-saving companies; 36 V. c. 48, s. 384 (27).

Medals and rewards to persons distinguishing themselves at fires. Aid to widows.

28. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires; 36 V. c. 48, s. 384 (28).

Fire in stables, etc.

29. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places; 36 V. c. 48, s. 384 (29).

Dangerous manufactories.

30. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire; 36 V. c. 48, s. 384 (30).

Chimneys, stoves, etc.

31. For preventing, and for removing or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire; 36 V. c. 48, s. 384 (31).

Size and cleaning of chimneys, etc.

32. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same; 36 V. c. 48, s. 384 (32).

Ashes.

33. For regulating the mode of removal and safe keeping of ashes; 36 V. c. 48, s. 384 (33).

Party walls.

34. For regulating and enforcing the erection of party walls; 36 V. c. 48, s. 384 (34).

Scuttles, ladders, etc., to houses.

35. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; 36 V. c. 48, s. 384 (35).

Guarding buildings against fire.

36. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; 36 V. c. 48, s. 384 (36).

Fire buckets.

37. For requiring the inhabitants to provide so many fire buckets, in such manner and time as may be prescribed; and



for regulating the examination of them, and the use of them at fires; 36 V. c. 48, s. 384 (37).

38. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; 36 V. c. 48, s. 384 (38). Inspection of premises.

39. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; 36 V. c. 48, s. 384 (39). Preventing spreading of fire.

40. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; 36 V. c. 48, s. 384 (40). Enforcing assistance at fires.

#### *Removal of Snow, Ice, Dirt.*

41. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates; 36 V. c. 48, s. 384 (41). Removal of snow, etc.  
Cleaning of sidewalks, streets, etc.

#### *Obstruction of Roads and Streets.*

42. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; 36 V. c. 48, s. 384 (42). Preventing obstruction and fouling of streets, etc.

43. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found; 36 V. c. 48, s. 384 (43). Removal of door-steps, etc.

#### *Numbering Houses and Lots.*

44. For numbering the houses and lots along the streets of the Municipality, and for affixing the numbers to the houses, Numbering houses, etc.

buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same ; 36 V. c. 48, s. 384 (44).

Record of streets, numbers, etc.

45. For keeping (and every such Council is hereby required to make and keep) a record of the streets, and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such Council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection ; 36 V. c. 48, s. 384 (45).

### *Naming Streets.*

For marking the boundaries of and naming streets, etc.

46. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property ; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect, unless and until the by-law has been registered in the Registry office of the County or other Registration Division ; and the Registrar shall be entitled to a fee of one dollar, for every by-law so registered, and for the necessary entries and certificates in connection therewith ; 36 V. c. 48, s. 384 (46) ; 40 V. c. 7, *Sched. A* (180).

### *Levels of Cellars—Plans.*

Ascertaining levels of cellars, etc.

47. For ascertaining and compelling owners, tenants and occupants to furnish the Councils with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the by-laws ; 36 V. c. 48, s. 384 (47).

Compelling the furnishing of ground or block plan of buildings to be erected.

48. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws ; 36 V. c. 48, s. 384 (48).

### *Sewerage and Drainage.*

Cellars, sinks, etc.

49. For regulating the construction of cellars, sinks, water-closets, privies and privy vaults, and the manner of draining the same ; 36 V. c. 48, s. 384 (49).

Filling in holes or places, drains, etc.

50. For compelling or regulating the filling up, draining, clearing, altering, relaying or repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies ; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains,

sinks, cesspools and privies are situate, with the cost thereof, if done by the Council on their default; 36 V. c. 48, s. 384 (50).

51. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes; 36 V. c. 48, s. 384 (51). Sewerage and drainage.

52. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the Council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid; 36 V. c. 48, s. 384 (52). Charging rent for sewers.

### *Licensing Transient Traders.*

53. For licensing, regulating and governing transient traders and other persons who occupy premises in the City or Town, or incorporated Village, for temporary periods, and whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year; 36 V. c. 48, s. 384 (53). Regulating transient traders.

### *User of Streets.*

54. For regulating the conveyance of traffic in the public streets, and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandize. 36 V. c. 48, s. 384 (54). Regulating traffic in streets, wheels, etc.

## DIVISION VI.—POWERS OF COUNCILS OF CITIES AND TOWNS.

*Respecting Intelligence Officers. Sec. 467 (1-5).*

“ *Wooden Buildings. Sec. 467 (6).*

“ *Police. Sec. 467 (7).*

“ *Industrial Farms—Exhibitions. Sec. 467 (8-10).*

“ *Almshouses—Charities. Sec. 467 (11).*

“ *Corporation Surveyor. Sec. 467 (12).*

“ *Gas and Water. Secs. 467 (13-16), 468-471.*

**467.** The Council of every City and Town may pass by-laws— By-laws for—

### *Intelligence Offices.*

1. For licensing suitable persons to keep Intelligence Offices, for registering the names and residences of, and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and resi- Licensing intelligence offices.

dences of, and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices; 36 V. c. 48, s. 385 (1).

Regulation of. 2. For the regulation of such Intelligence Offices; 36 V. c. 48, s. 385 (2).

Duration of license. 3. For limiting the duration of or revoking any such license; 36 V. c. 48, s. 385 (3).

Prohibition without license. 4. For prohibiting the opening or keeping of any such Intelligence Office within the Municipality without license; 36 V. c. 48, s. 385 (4).

Fees for. 5. For fixing the fee to be paid for such license, not exceeding ten dollars for one year; 36 V. c. 48, s. 385 (5).

### *Wooden Buildings.*

Regulating erection of wooden buildings and fences. 6. For regulating the erection of buildings, and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the City or Town; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of combustible material, within defined areas of the City or Town, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed or placed in contravention of any by-law; 36 V. c. 48, s. 385 (6).

Construction of buildings within fire limits.

### *Police.*

Police. 7. For establishing, regulating and maintaining a police; but subject to the other provisions of this Act; 36 V. c. 48, s. 385 (7).

### *Industrial Farm—Exhibition.*

Industrial farms, parks, etc. 8. For acquiring any estate in landed property within or without the City or Town for an Industrial Farm, or for a public park, garden or walk, or for a place for Exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the City or Town, dedicated for a public park, garden or walk for the use of the inhabitants of the City or Town; 36 V. c. 48, s. 385 (8). *See also sec. 556.*

Buildings thereon.

9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for Exhibitions as the Council deems necessary; 36 V. c. 48, s. 385 (9).

Managing the same.

10. For the management of the farm, park, garden, walk or place for Exhibitions and buildings; 36 V. c. 48, s. 385 (10).



*Almshouses—Charities.*

11. For establishing and regulating within the City or Town, Almshouses, or on the Industrial Farm or ground held for public exhibitions, etc. one or more Almshouses or Houses of Refuge for the relief of the destitute, and also for aiding charitable institutions within the City or Town; 36 V. c. 48, s. 385 (11). See sec. 454 (7), and as to Workhouses, sec. 438.

*Corporation Surveyor.*

12. For appointing any Provincial Land Surveyor to be the Corporation Corporation Surveyor; 36 V. c. 48, s. 385 (12). surveyor.

*Gas and Water.*

13. For lighting the Municipality, and for this purpose per- Lighting with forming any work, and placing any fixtures that are necessary gas. on private property; 36 V. c. 48, s. 385 (13).

14. For laying down gas or water pipes in any street, and Laying down opening streets for the purpose; and for taking up or repairing gas and water such pipes, and for using every power and privilege given to pipes. any Gas or Water Company incorporated in the Municipality as if the same were specially given by this Act, subject, however, to the provisions herein contained as to the erection of gas or water-works and levying rates therefor; 36 V. c. 48, s. 385 (14).

15. For providing for the appointment of three Commis- Commis- sioners for entering into contracts for the construction of gas sioners for and water works; for superintending the construction of the erection of same; for managing the works when completed; and for pro- gas or water viding for the election of the said Commissioners by the electors works. from time to time, and at such periods and for such terms as the Council may appoint by the by-law authorizing the election; 36 V. c. 48, s. 385 (16).

16. For constructing gas and water works, and for levying Construction an annual special rate to defray the yearly interest of the of gas and expenditure therefor, and to form an equal yearly sinking fund water works. for the payment of the principal within a time not exceeding thirty years, nor less than five years. 36 V. c. 48, s. 385 (17).

**468.** No by-law under the last sub-section of the preceding section shall be passed—

First:—Until estimates of the intended expenditure have been Estimate to be published for one month, and notice of the time appointed for published, and taking a poll of the electors on the proposed by-law has been notice of published for two months, and a copy of the proposed by-law taking poll on by-law.

at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council, have been published for three months, in some newspaper in the Municipality; or if no newspaper is published therein, then in some newspaper in the County in which the Municipality is situate;

Poll to be held and majority must be in favour.

Nor, secondly:—Until at a poll held in the same manner and at the same places, and continued for the same time as at elections for Councillors, a majority of the electors, voting at the poll, vote in favour of the by-law;

By-law to be passed within three months.

Nor, thirdly:—Unless the by-law is passed within three months after holding said poll. 36 V. c. 48, s. 386.

If by-law rejected.

**469.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. 36 V. c. 48, s. 387.

Provisions where there is a gas or water company incorporated for the municipality.

**470.** In case there is any Gas or Water Company incorporated for the Municipality, the Council shall not levy any gas or water rate until such Council has by by-law fixed a price to offer for the works or stock of the Company; nor until after thirty days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company. 36 V. c. 48, s. 388.

Proviso as to provisions in special Acts.

**471.** The foregoing clauses or any of them shall not be construed to apply to or affect the provisions contained in any special Act obtained or to be obtained by any Company or Municipal Corporation. 36 V. c. 48, s. 389.

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#### DIVISION VII.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

By-laws may be made for—

**472.** The Council of every Town and incorporated Village may pass by-laws:

##### *Licensing Vehicles, &c.*

Regulating and licensing livery stables, cabs, &c.

1. For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. 36 V. c. 48, s. 391.

## DIVISION VIII.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

*Respecting Protection of Booms. Sec. 473.*

“ *Board of Audit—Criminal Justice Accounts.*  
*Secs. 474, 475.*

“ *Livery Stables, &c. Sec. 476.*

“ *Horse Thieves. Sec. 477.*

“ *Improvements by single Counties of a Union.*  
*Secs. 478-482.*

**473.** The Council of every County may make by-laws : By-laws may  
be made for—

*Protecting Booms.*

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the Municipality. Protecting  
booms. 36 V. c. 48, s. 392.

*Board of Audit—Criminal Justice, &c.*

**474.** Every County Council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to such Council, to be members of the Board of Audit, for auditing and approving accounts and demands preferred against the County, the approving and auditing whereof previous to the nineteenth day of December, one thousand eight hundred and sixty-eight, belonged to the General Quarter Sessions. 36 V. c. 48, s. 393. County Boards  
of Audit.

**475.** The Council may pay the persons appointed by them to serve on the said Board of Audit, any sum not exceeding four dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 36 V. c. 48, s. 394; 40 V. c. 7, *Sched. A.* (182). Payment of  
members of  
Board.

*Livery Horses, &c.*

**476.** The Council of every County, having County gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws authorizing the regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passen- Regulating  
and licensing  
livery stables,  
&c.  
  
Wheels.  
  
Rates of fare.

gers ; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid County gravel or macadamized roads. 36 V. c. 48, s. 395.

*Horse Thieves.*

Reward for apprehension of persons guilty of horse stealing.

**477.** The Council of every County shall provide by by-law, that a sum not less than twenty dollars shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said County, and such reward shall be paid out of the funds of the Corporation on conviction of the thief, on the order of the Judge before whom the conviction is obtained. 36 V. c. 48, s. 396. See 29-30 V. c. 51, s. 355 (26).

*[Subsection 27 of Section 355 of 29-30 V. c. 51, enacts as follows :—*

Not to disqualify witness.

27. The said reward shall not disqualify the person claiming the same or entitled thereto, from being a witness.]

*Improvements by either County of a Union.*

Enabling either county of a union to make improvements therein.

**478.** The Councils of United Counties may make appropriations and raise funds to enable either County separately to carry on such improvements as may be required by the inhabitants thereof. 36 V. c. 48, s. 397.

Reeves, &c., of the county interested alone to vote.

Exception.

**479.** Whenever any such measure is brought under the notice of the Council of any United Counties, none but the Reeves and Deputy-Reeves of the County to be affected by the measure shall vote ; except in case of an equality of votes, when the Warden, whether a Reeve or Deputy Reeve of any portion of the County to be affected by the measure or not, shall have the casting vote. 36 V. c. 48, s. 398.

Provisions of this Act for repayment to apply.

**480.** In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to. 36 V. c. 48, s. 399.

Treasurer to pay over moneys without deduction.

**481.** The Treasurer of the United Counties shall pay over all sums so raised and paid into his hands by the several Collectors, without any deduction or percentage. 36 V. c. 48, s. 400.

The property to be assessed in such cases.

**482.** The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other County purpose, except that any sum to be raised for the purposes of one County



only, or for the payment of any debt contracted for the purposes of one County only, shall be assessed and levied solely upon property assessed in that County, and not upon property in any other County united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one County only, and shall be as valid and binding upon that County as if that County were a separate Municipality, but such debenture shall be under the seal of the United Counties, and be signed by the Warden thereof. 36 V. c. 48, s. 401.

DIVISION IX.—EXCLUSIVE POWERS OF COUNCILS OF  
TOWNSHIPS.

*Respecting Statute Labour.* Sec. 483 (1-5.)

“ *Obstructions to Streams.* Secs. 484, 485.

**483.** The Council of every Township, may pass by-laws—  
By-laws may be made for—  
*Statute Labour.*

1. For empowering any person (resident or non-resident) liable to statute labour within the Municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour; 36 V. c. 48, s. 390 (1). Voluntary commutation of statute labour.

2. For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour; 36 V. c. 48, s. 390 (2). Compulsory commutation.

3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively; 36 V. c. 48, s. 390 (3). Fixing number of days' statute labour.

4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law; 36 V. c. 48, s. 390 (4). Enforcing statute labour.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. 36 V. c. 48, s. 390 (5). See 40 V. c. 7, *Sched. A* (181). Regulating performance, &c.

**484.** The Council of every Township may also pass by-laws: By-laws may be made for—

*Obstructions to Streams and Water-courses.*

- Preventing obstruction of streams, etc.      1. For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber, or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise ;
- Levying expenses.      2. For levying the amount of such expense in the same manner as taxes are levied ;
- Penalties.      3. For imposing penalties on parties causing such obstructions. 36 V. c. 48, s. 402.

When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality through which stream runs, requiring them to remove obstructions within their municipality.

**485.** Whenever any stream or creek in any Township is cleared of all logs, brush or other obstructions to the Town line between such Township and any adjoining Township into which such stream or creek flows, the Council of the Township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the Council of the adjoining Township into which the stream or creek flows, requesting such Council to clear such stream or creek through their Municipality ; and it shall be the duty of such last-named Council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their Municipality, to the satisfaction of any person whom the Council of the County in which the Municipality whose Council served the notice is situate, shall appoint to inspect the same. 36 V. c. 48, s. 403.

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## TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

DIV. I.—GENERAL PROVISIONS.

DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. IV.—COUNTY COUNCILS.

DIV. V.—TOWNSHIP COUNCILS.

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### DIVISION I.—GENERAL PROVISIONS.

*Highways defined.* Sec. 486.

*Freehold in Crown.* Sec. 487.

*Jurisdiction of Councils.* Sec. 488.

*Possession in Municipalities.* Sec. 489, 490.

*Liability for Repairs.* Sec. 491.

*County Roads and Bridges defined.* Secs. 492, 493.

*Improving and Maintaining County Roads.* Secs. 494, 495.

*Maintaining Township Roads* Secs. 496, 497.

*Roads under joint jurisdiction.* Secs. 498-500.

*Transfer of former powers of Justices in Sessions to County Councils.* Sec. 501.

*Roads vested in Her Majesty not affected.* Sec. 502.

*Roads on Dominion Lands not affected.* Sec. 503.

*Roads necessary for egress.* Sec. 504.

*Width of Roads.* Sec. 505.

*Notices of By-laws affecting Public Roads.* Sec. 506.

*Registration of Road By-laws.* Sec. 507.

*Disputes respecting Roads—Administration of oaths.* Sec. 508.

### *Highways Defined.*

**486.** All allowances made for roads by the Crown Surveyors in any Town, Township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 36 V. c. 48, s. 404. *See Rev. Stat. c. 146, ss. 49, 50 & 67.*

What shall constitute public highways.

### *Freehold in the Crown.*

**487.** Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in Her Majesty, Her Heirs and Successors. 36 V. c. 48, s. 405.

Certain highways, &c. vested in the Crown.

### *Jurisdiction of Municipal Councils.*

**488.** Subject to the exceptions and provisions hereinafter contained, every Municipal Council shall have jurisdiction over the original allowances for roads and highways and bridges within the Municipality. 36 V. c. 48, s. 406.

Jurisdiction of councils over roads, &c.

### *Possession in Municipality.*

**489.** Every public road, street, bridge or other highway, in a City, Township, Town or incorporated Village, shall be vested in the Municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the City, Township or Town or incorporated Village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. 36 V. c. 48, s. 407.

Streets in cities, towns and incorporated villages vested in municipalities subject to certain rights.

**490.** The Council of every City and Town may respectively pass by-laws for acquiring and assuming possession of and control over any public highway or road in an adjacent Municipality by and with the consent of such Municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk; and to acquire from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of one hundred feet or less, subject to the provisions of section number four hundred and fifty-six of this Act. 36 V. c. 48, s. 408.

### *Liability for Repairs.*

Repairing of public roads, &c.

Limitation of actions.

To what roads applicable.

**491.** Every public road, street, bridge and highway shall be kept in repair by the Corporation, and on default of the corporation so to keep in repair, the Corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained:

2. This section shall not apply to any road, street, bridge or highway laid out by any private person, and the corporation shall not be liable to keep in repair any such last-mentioned road, street, bridge or highway, until established by by-law of the Corporation, or otherwise assumed for public user by such Corporation. 36 V. c. 48, s. 409.

*[By sections 1 and 3 of C. S. C. c. 85, it is provided that:—*

Use of public roads in cities and towns vested in the municipality.

1. The right to use as public highway all roads, streets and public highways within the limits of any City or incorporated Town in this Province, shall be vested in the Municipal Corporation of such City or incorporated Town, (except in so far as the right of property or other right in the land occupied by such highways have been expressly reserved by some private party when first used as such roads, street or highway, and except as to any concession road or side road within the City or Town where the persons now in possession or those under whom they claim have laid out streets in such City or Town without any compensation therefor in lieu of such concession or side road). 13, 14 V. c. 15, s. 1.

Consequences of neglect.

3. If the Municipal Corporation of any such City or incorporated Town fail to keep in repair any such road, street or highway within the limits thereof, such default shall be a misdemeanor for which such Corporation shall be punished by fine in the discretion of the Court before whom the conviction is had. 13, 14 V. c. 15, s. 1.]

### *What are County Roads and Bridges.*

Jurisdiction of county councils over roads and bridges.

**492.** The County Council shall have exclusive jurisdiction over all roads and bridges lying within any Township, Town or Village of the County, and which the Council by by-law assumes with the assent of such Township, Town or Village Municipality as a County road, or bridge, until the by-law has been repealed by the Council, and over all bridges across streams separating two Townships in the County, and over all bridges crossing streams



or rivers over one hundred feet in width, within the limits of any incorporated Village in the County, and connecting any highway leading through the County, and over all bridges over rivers forming or crossing boundary lines between two Municipalities. 37 V. c. 16, ss. 17 & 19; 39 V. c. 7, s. 2, *Sched. B.*

**493.** Any County Council may assume, make and maintain any Township or County boundary line at the expense of the County, Boundary lines may be maintained by County. or may grant such sum or sums from time to time for the said purposes as they may deem expedient. 36 V. c. 48, s. 411.

*As to Improving and Maintaining County Roads.*

**494.** When a County Council assumes, by by-law, any road or bridge within a Township as a County road or bridge, the Council shall, with as little delay as reasonably may be, and at the expense of the County, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further, the County Council shall cause to be built and maintained in like manner, all bridges on any river or stream over one hundred feet in width, within the limits of any incorporated Village in the County, necessary to connect any public highway leading through the County. Roads or bridges assumed by county councils. Maintenance of certain bridges in villages. 37 V. c. 16, s. 18.

**495.** It shall be the duty of County Councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two Municipalities (other than in the case of a City or separated Town) within the County; and in case of a bridge over a river forming or crossing a boundary line between two Counties, or a County and a City, such bridge shall be erected and maintained by the Councils of the Counties or County and City respectively; and in case the Councils of such County and City, or the Councils of such Counties, fail to agree on the respective portions of the expense to be borne by the several Municipalities, it shall be the duty of each Council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and the award made shall be final. Bridges between municipalities. Differences to be settled by arbitration. 37 V. c. 16, s. 19.

*Maintaining Township Roads.*

**496.** All Township boundary lines not assumed by the County Council shall be opened, maintained and improved by the Township Councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two Municipalities. Boundary lines not assumed by county council. See 36 V. c. 48, s. 414, and 37 V. c. 16, s. 19.

**497.** Township boundary lines forming also the County boundary lines, and not assumed or maintained by the respective Counties interested, shall be maintained by the respective Townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two Municipalities. Township boundaries, being also county boundaries. 36 V. c. 48, s. 415; 37 V. c. 16, s. 19.

*Roads under Joint Jurisdiction.*

Joint jurisdiction over certain roads.

**498.** In case a road lies wholly or partly between a County, City, Town, Township or incorporated Village, and an adjoining County or Counties, City, Town, Township or incorporated Village, the Councils of the Municipalities between which the road lies shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them; and the said road shall not include a bridge over a river forming or crossing the boundary line between two Municipalities. 36 V. c. 48, s. 416.

Both councils must concur in by-laws respecting them.

**499.** No by-law of the Council of any one of such Municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other Council or Councils having joint jurisdiction in the premises. 36 V. c. 48, s. 417.

Arbitration if they do not concur.

**500.** In case the other Council or Councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each Municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 36 V. c. 48, s. 418.

*Transfer of Powers of Justices in Sessions.*

Certain powers of Justices in Sessions transferred to county councils.

**501.** All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the Magistrates in Quarter Sessions, with respect to any particular road or bridge in a County, and are not conferred or imposed upon any other Municipal Corporation, shall belong to the Council of the County, or in case the road or bridge lies in two or more Counties, to the Councils of such Counties; and the neglect and disobedience of any regulations or directions made by such Council or Councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the Magistrates would have subjected them to. 36 V. c. 48, s. 419.

*Roads vested in Her Majesty not affected.*

Roads, etc., as Provincial works vested in Her Majesty, etc., not to be interfered with.

Proclamation by Lieutenant-Governor as to roads, etc., under control of Commissioner of Public Works.

**502.** No Council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public Department or Board, and the Lieutenant-Governor shall by Order in Council have the same powers as to such road and bridge as are by this Act conferred on Municipal Councils with respect to other roads and bridges; but the Lieutenant-Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thence-

forth be controlled and kept in repair by the Council of the Municipality. 36 V. c. 48, s. 420.

*Nor Roads on Dominion Lands.*

**503.** No Council shall pass any by-law

Ordnaunce  
roads, lands,  
etc., not to be  
interfered  
with.

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnaunce, or the Principal Secretary of State in whom the Ordnaunce Estates became vested under the Statute of the Province of Canada passed in the nineteenth year of 19 V., c. 45.  
Her Majesty's reign, chapter forty-five, or the Consolidated Con. Stat.  
Statute of Canada, chapter twenty-four, respecting the Ord- Can. c. 24.  
nance and Admiralty lands, or by the Dominion of Canada; or Sec 40 V. c. s (D).

2. For opening any such communication through any lands held by the Dominion of Canada; or Dominion lands.

3. Interfering with any bridge, wharf, dock, quay or other Bridges, etc.  
work vested in the Dominion of Canada;

4. Interfering with any land reserved for military purposes, Military lands,  
or with the integrity of the public defences,

without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall Without con-  
be void unless it recites such consent. 36 V. c. 48, s. 421. sent of Domin-  
ion,

*Roads Necessary for Egress, not to be Closed.*

**504.** No Council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or any Municipal Council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the Council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. 36 V. c. 48, s. 422. Council not to  
close road  
required by  
individuals  
for ingress,  
egress, etc.  
Proviso.

*Width of Roads.*

**505.** No Council shall lay out any road or street more than one hundred nor less than sixty-six feet in width, except where an existing road or street is widened, or unless with the permission of the Council of the County in which the Municipality is situate; but any road, when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than sixty-six feet, without the consent of the Council of the Municipality. 36 V. c. 48, s. 423. Width of  
roads.

*Notices Requisite for By-laws affecting Public Roads.*

Conditions precedent to passing by-laws intended to affect public roads.

**506.** No Council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

Notice to be posted up.

1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published in newspaper.

2. And published weekly for at least four successive weeks in some newspaper (if there be any) published in the Municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring Municipality; and, in either case, in the County Town, if any such there be;

Parties prejudicially affected to be heard.

3. Nor until the Council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give the notices, on payment of expenses.

4. And the Clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. 36 V. c. 48, s. 424.

*Registration of By-laws for opening Roads.*

By-laws under which roads are opened on private property to be registered.

**507.** Every by-law passed since the twenty-ninth day of March, one thousand eight hundred and seventy-three, or hereafter to be passed by any Municipal Council under the authority of which any street, road or highway has been or is opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the Registry Office of the County or other Registration Division in which the land is situate; and for the purpose of registration a duplicate original of such by-law shall be made out, certified under the hand of the Clerk and the seal of the Municipality, and shall be registered without any further proof.

As to by laws already passed.

2. Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or Municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of the by-law under the hand of the Clerk of the Municipality and seal of such Municipality, or by a duly certified copy of such order or resolution of such Quarter or General Sessions, given under the hand of the Clerk of the Peace, as the case may be. 36 V. c. 48, s. 445. See also *Rev. Stat.*, c. 111, s. 73.



*Disputes respecting Roads.—Who to Administer Oaths.*

**508.** In case of disputes in any Municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a Municipal Council, the head of the Council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 36 V. c. 48, s. 446.

Power to administer oaths in certain cases.

**DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES IN RELATION TO ROADS AND BRIDGES.**

*Powers in General, Sec. 509 (1).*

*Respecting Tolls, Sec. 509 (2, 3, 6).*

“ *Timber on Road Allowances, Sec. 509 (4).*

“ *Granting of privileges to Road or Bridge Companies, Sec. 509 (5).*

“ *Materials for Roads, Sec. 509 (7).*

“ *Road Allowances, Sec. 509 (8), 510, 511, 512.*

“ *Aid to Adjoining Municipalities in Making Roads or Bridges, Sec. 513.*

**509.** The Council of every County, Township, City, Town and incorporated Village may pass by-laws—

By-laws may be made for—

*General Powers.*

1. For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction, and also for permitting sub-ways for cattle under any highway; 36 V. c. 48, s. 425 (1).

Opening or stopping up roads, etc.

*Tolls.*

2. For raising money by toll on any bridge, road or other work, to defray the expense of making or repairing the same; 36 V. c. 48, s. 425 (2).

Raising money by toll.

3. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; 36 V. c. 48, s. 425 (3).

Making regulations as to dangerous places.

*Timber, &c., on Road Allowances.*

For preservation of trees, stone, etc.

Rev. Stat. c. 26.

4. For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting the Sale and Management of Timber on Public Lands* relative to Government road allowances and the granting of Crown timber licenses; 36 V. c. 48, s. 425 (4).

*Permitting Companies to make, &c., Roads and Bridges, &c.*

Granting privileges to road or bridge companies.

5. For regulating the manner of granting to Road or Bridge Companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such Companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the Council; 36 V. c. 48, s. 425 (5). See also *Rev. Stat.* c. 152.

*Grant of Tolls.*

Granting right to take tolls.

6. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the Council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair; 36 V. c. 48, s. 425 (6).

*Taking Materials.*

Searching for and taking materials for roads, etc.

7. For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such Municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act; 36 V. c. 48, s. 425 (7).

*Selling Old Road Allowances.*

When the council may stop up or sell a road allowance.

8. For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land any road legally stopped up or altered by the Council; and in case such parties respectively refuse to become the pur-

chasers at such price as the Council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. 36 V. c. 48, s. 425 (8).

**510.** In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the Council of the Municipality, upon the report in writing of its Surveyor, or of a Deputy Provincial Land Surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs.

When a road is substituted for an original allowance, compensation to person whose land is taken who owns land adjoining original road.

Conveying of former road allowance.

2. When any such original road allowance is, in the opinion of the Council, useless to the public, and lies between lands owned by different parties, the Municipal Council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. 36 V. c. 48, s. 426.

Compensation to party whose land is taken who does not own land adjoining original road.

### *Possession of Unopened Road Allowances.*

**511.** In case a person is in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the Council having jurisdiction over the same. 36 V. c. 48, s. 427.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

### *Notice of By-laws for Opening such Allowances.*

**512.** No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the Council, that an application will be made for opening such allowance. 36 V. c. 48, s. 428.

Notice of by-law to be given.

*Aiding in making Roads and Bridges.*

By-laws to aid adjoining municipality to open roads, &c.

**513.** The Council of any Municipality may pass by-laws for granting aid to any adjoining Municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining Municipality. 36 V. c. 48, s. 429.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

*Aiding Counties in opening New Roads, Sec. 514 (1).*

*Joint Work with other Municipalities, Sec. 514 (2).*

*Repair of Township Roads, how enforced, Secs. 515–523.*

By-laws may be made for—

**514.** The Municipal Council of every Township, City, Town and incorporated Village may pass by-laws—

*New Roads.*

Aiding counties in making roads and bridges.

1. For granting to the County or United Counties in which such Municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such Municipality;

*General Arrangements.*

Joint works with other municipalities.

2. For entering into and performing any arrangement with any other Council in the same County or United Counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council. 36 V. c. 48, s. 430.

*Repair of Township Roads—how Enforced.*

If any township council fails to perform its duty.

**515.** Whenever Township Councils fail to maintain Township boundary lines not assumed by the County Council, in the same way as other Township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such Councils to apply to the County Council to enforce joint action on all Township Councils interested. 36 V. c. 48, s. 431.

Resident rate-payers may petition county council to enforce opening up of road.

**516.** In cases where all the Township Councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the County Council to enforce the opening up or repair of such lines of road by the Township Councils interested. 36 V. c. 48, s. 432.



**517.** A County Council receiving such petition, either from Township Councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. 36 V. c. 48, s. 433.

Duty of county councils on petition.

**518.** The County Council may determine upon the amount which each Township Council interested shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. 36 V. c. 48, s. 434.

Amount, &c., to be furnished by each township.

**519.** It shall be the duty of the County Council to appoint a Commissioner or Commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the Townships interested intimate to the Council or to the Commissioner or Commissioners so appointed, their intention to execute the work themselves, then such Commissioner or Commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the Township officers, then the Commissioners shall undertake and finish it themselves. 36 V. c. 48, s. 435.

Commissioners to enforce order of county council as to such roads.

Proviso.

**520.** Any sum of money so determined upon by the County Council as the portion to be paid by the respective Townships, shall be paid by the County Treasurer on the order of the Commissioner or Commissioners, and the amount retained out of any money in his hands belonging to such Township; but if there are not at any time before the striking of a County rate any such moneys belonging to such Township in the Treasurer's hands, an additional rate shall be levied by the County Council against such Township sufficient to cover such advances. 36 V. c. 48, s. 436.

Sums determined upon to be paid by townships.

**521.** Wherever the several Townships interested in the whole or part of any County boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such Township Councils may apply to the Wardens of the bordering Counties to determine jointly the amount which each Township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the County Judge of the County in which the Township first making the application is situate shall in all cases be the third arbitrator. 36 V. c. 48, s. 437.

When the several townships interested cannot agree.

Wardens to be arbitrators.

County Judge also.

**522.** It shall be the duty of the Wardens of the Counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute. The Warden of the County in which the Township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the Warden of the

Meeting of wardens.

Who to convene, etc.

other County and County Judge of the time and place of meeting, within eight days of the time of his receiving such application. 36 V. c. 48, s. 438.

What the wardens and county judge shall determine, etc.

**523.** At such meeting the Wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective Townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a Commissioner or Commissioners to superintend such work, and it shall be the duty of the Township Treasurer to pay the orders of such Commissioners to the extent of the sum apportioned to each; and Pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such Commissioner or Commissioners in performing the statute labour unexpended. 36 V. c. 48, s. 439.

#### DIVISION IV.—POWERS OF COUNTY COUNCILS IN RELATION TO ROADS AND BRIDGES.

*Respecting the Closing of Road Allowances, Sec. 524 (1).*

“ *the Opening and altering of Roads, Sec. 524 (2).*

“ *Trees obstructing Highways, Sec. 524 (3).*

“ *Double Tracks in Snow Roads, Sec. 524 (4).*

“ *Aid to Townships, Sec. 524 (5).*

“ *the repair of County roads in local Municipalities, Sec. 524 (6).*

By-laws for—

**524.** The Council of every County shall have power to pass by-laws for the following purposes:—

#### *Closing Road Allowances.*

Disposing of original allowance for roads in certain cases.

1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the County, which is subject to the sole jurisdiction and control of the Council, and not being within the limits of any Village, Town or City within or adjoining the County; but the by-law for this purpose shall be subject to the five hundred and sixth section of this Act. 36 V. c. 48, s. 440 (1).

#### *Opening and Altering Roads.*

Opening, etc., roads, etc., within or between several municipalities.

2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more Townships, or between two or more Townships of the County; or any bridge required to be built or made across any river over one hundred feet in width within any incorporated Village in the County connecting any public highway leading through the County, and which is in continuation of a County road, or between the County and any

adjoining County or City or separated Town, or on the bounds of any Town or incorporated Village, within the boundaries of the County, as the interests of the inhabitants of the County, in the opinion of the Council, require to be so opened, made, preserved and improved; and for entering upon, breaking-up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained. 36 V. c. 48, s. 440 (2). See 37 V. c. 16, s. 17.

*Trees obstructing Highways.*

3. For directing that, on each and either side of a highway under the jurisdiction of the Council passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the County Surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the Council may further pay such expenses out of County funds. 36 V. c. 48, s. 440 (3).

May direct the trees to be cleared on each side of highways.

*Double Tracks in Snow Roads.*

4. For providing for the making and keeping open of double tracks in snow roads, according to the provisions of *The Act respecting Double Tracks in Snow-Roads*. 36 V. c. 46, s. 1.

Double tracks in snow roads.  
Rev. Stat. c. 185.

*Aiding Townships, &c.*

5. For granting to any Town, Township or incorporated Village in the County, aid by loan or otherwise towards opening or making any new road or bridge in the Town, Township or Village, in cases where the Council deems the County at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the Council in at once assuming the same as a County work, and also for guaranteeing the debentures of any Municipality within the County, as the Council may deem expedient. 36 V. c. 48, s. 440 (4).

For aiding the making of roads and bridges.

Guaranteeing debentures of local municipalities

*Repair of County Roads in local Municipalities.*

6. For requiring that the whole or any part of any County road within any local Municipality shall be opened, improved and maintained by such local Municipality. 36 V. c. 48, s. 440 (5).

Opening road in local municipalities.

DIVISION V.—POWERS OF TOWNSHIP COUNCILS IN RELATION TO ROADS AND BRIDGES.

*Aiding Counties, Sec. 525 (1).*

*Closing Road Allowances, Sec. 525 (2).*

*Trees obstructing Highways, Sec. 525 (3).*

*Footpaths, Sec. 525 (4).*

*Sale of Mineral Rights, Sec. 526.*

*Sale of Roads in Villages and Hamlets, Secs. 527, 528.*

By-laws for— **525.** The Council of every Township may pass by-laws—

*Aiding Counties.*

Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

1. For granting to any adjoining County aid in making opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the Township and any other Municipality, and for granting like aid to the County in which the Township lies in respect of any highway, road, street, bridge, or communication within the Township assumed by the County as a County work, or agreed to be so assumed on condition of such grant; 36 V. c. 48, s. 441 (1).

*Closing Road Allowances.*

Stopping up and sale of original road allowance.

2. For the stopping up and sale of any original allowance for road or any part thereof within the Municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed;

Proviso.

But no such by-law shall have any force—

(a) Unless passed in accordance with the five hundred and sixth section of this Act, nor

(b) Until confirmed by a by-law of the Council of the County in which the Township is situate, at an ordinary session of the County Council, held not sooner than three months nor later than one year next after the passing thereof; 36 V. c. 48, s. 441 (2.)

*Trees obstructing Highways.*

Ordering trees to be cut down on each side of a road.

3. For directing that, on each or either side of a highway under the jurisdiction of the Council passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the Overseer of Highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the Council may grant out of Township funds any money that may be



necessary to pay for the cutting down and removing such trees; 36 V. c. 48, s. 441 (3).

*Footpaths.*

4. For setting apart so much of any highway as the Council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. 36 V. c. 48, s. 441 (4). Footpaths.

*Townships and Counties Selling Minerals.*

**526.** The Corporation of any Township or County, wherever minerals are found, may sell, by public auction or otherwise, the right to take minerals found upon or under any roads over which said Township or County may have jurisdiction, if considered expedient so to do. Sale of mineral rights under roads.

2. No such sale shall take place until after due notice of such intended by-law has been posted up, in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering such by-law. No sale till after notice.

3. The deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. 36 V. c. 48, s. 442. Sale not to interfere with public travel.

*Sale of Roads in Villages or Hamlets.*

**527.** In case the Trustees of any Police Village, or fifteen of the inhabitant householders of any other unincorporated Village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the Council of the Township in which the Village or hamlet is situate, and in case the petition of such unincorporated Village or hamlet, not being a Police Village, is accompanied by a certificate from the Registrar of the County within which the Township lies, that a plan of the Village or hamlet has been duly deposited in his office according to the registry laws, the Council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the Village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. 36 V. c. 48, s. 443. When roads in police villages and certain hamlets may be stopped up, sold, etc., by township councils.

**528.** The last section shall apply to a Village or hamlet situate in two Townships, whether such Townships are in the same or different Counties, and in such case the Council of each of the Townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the When village is partly in each of two townships.

Village or hamlet which, according to the registered plan, is situate within such Township. 36 V. c. 48, s. 444.

### TITLE III.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. II.—CITIES, TOWNS AND VILLAGES.

DIV. III.—COUNTIES.

#### DIVISION I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

*Local drainage by-laws, and fund for.* Secs. 529, 530.

*Complaints respecting assessments, how tried.* Sec. 529 (8-13)

*Quashing by-laws, limitations respecting.* Sec. 531-533.

*Extension of works to other Municipalities.* Sec. 534.

*Mode of apportioning cost.* Secs. 535-541.

*Who to keep in repair.* Secs. 542-544.

*Damage done by works.* Sec. 545.

*Drainage by private persons.* Sec. 546.

*Earth may be spread on road.* Secs. 547, 548.

*Construction of ditch on town line between two Municipalities.* Secs. 549, 550.

Municipal councils may pass by-laws for deepening streams, etc., drainage, etc.

Examination by engineer.

Plans and estimates.

**529.** In case the majority in number of the persons, as shown by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any Township, City, Town or incorporated Village, petition the Council for the deepening of any stream, creek, or water-course, or for draining of the property (describing it), the Council may procure an examination to be made by an Engineer or Provincial Land Surveyor of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such Engineer or Surveyor, and an assessment to be made by such Engineer or Surveyor of the real property to be benefited by such deepening or drainage, stating as nearly as may be, in the opinion of such Engineer or Surveyor, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot: and if the Council is of opinion that the deepening of such stream, creek or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the Council may pass by-laws—

For deepening streams and drainage.

1. For providing for the deepening of the stream, creek or water-course, or the draining of the locality;

2. For borrowing on the credit of the Municipality the funds necessary for the work, although the same extends beyond the limits of the Municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the Municipality to the requisite amount, in sums of not less than one hundred dollars each, and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum ;

For borrowing  
requisite  
funds, etc.

3. For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by Joint Stock Companies or private individuals), as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality :

For levying  
rate for pay-  
ment.

(a) Any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced ; and

Proviso.

(b) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for draining under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works ; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase ;

Proviso.

4. For regulating the times and manner in which the assessment shall be paid ;

For providing  
how assess-  
ment be paid.

5. For determining what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge or undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under "*The Assessment Act.*" 36 V. c. 48. s. 447 ; 37 V. c. 20, s. 1 ; 39 V. c. 34, s. 8.

For ascertain-  
ing the prop-  
erty liable to  
the rate.

Rev. Stat. c.  
180, ss. 56, 57,

Petitions for  
draining lands.

6. The Council shall have the like power, and the provisions of this section shall apply in cases where the drainage can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the Council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section. 40 V. c. 26, s. 1.

Injury to low  
lying land.

7. In cases provided for by the next preceding sub-section, the Council may pass by-laws for assessing and defraying the annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of this and the following sections to section five hundred and fifty-eight inclusive, shall be applicable, so far as possible to the draining of lands under sub-section six of this section; except that the provisions of section five hundred and forty-three shall not apply to any of the works mentioned in said sub-section six, except during the pleasure of the Council of the Municipality in which the works are situate. 40 V. c. 26, ss. 2 & 3.

Sections 529-  
558 to apply.

Section 543  
only to apply  
during the  
will of the  
Council.

Court of  
Revision to  
have primary  
jurisdiction.

8. Trial of such complaints shall be had in the first instance by and before the Court of Revision of the Municipality in which the lands or roads lie, which Court the Council shall, from time to time as occasion may require, hold on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication.

Power of.  
Rev. Stat. c.  
180, ss. 47-55.

9. Such Court shall be constituted in the same manner and have the same powers as Courts of Revision under "*The Assessment Act*."

Transmission  
of assessment  
roll.

10. In case of any such complaint, the Clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such Municipality.

Appeal to  
county judge.

11. The appeal from the Court of Revision shall be to the Judge, or Junior or acting Judge, of the County Court of the County within which such Municipality is situate.

Powers of  
judge on ap-  
peal.

12. In case of appeal to the Judge, Junior or acting Judge of the County Court, he shall have the same powers and duties, and the Clerk of the Municipality shall have the same powers and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under "*The Assessment Act*."

Rev. Stat. c.  
180, ss. 59-65.



13. In case, on any such complaint or appeal, the assessment is varied in respect of the property which is the subject of the complaint or appeal, the Court or Judge, as the case may be, shall vary *pro rata* the assessment of the said property, and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision shall return the roll to the Municipal Clerk from whom it was received, and the Assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision. 36 V. c. 48, s. 447; 40 V. c. 8, s. 57.

Variation of  
assessment on  
complaint or  
appeal.

**530.** Such by-law shall, *mutatis mutandis*, be in the form or to the effect following:

Form of by-  
law.

A BY-LAW to provide for draining parts of (or, for the deepening of in, as the case may be) the Township of , and for borrowing, on the credit of the Municipality, the sum of for completing the same.

Provisionally adopted the day of , A.D.

Whereas a majority in number of the owners, as shown by the last revised assessment roll, of the property hereinafter set forth, to be benefited by the drainage (or deepening, as the case may be), have petitioned the Council of the said Township of , praying that (here set out the purport of the petition, describing generally the property to be benefited.)

And whereas, thereupon the said Council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (or the said stream, creek or water-course proposed to be deepened, as the case may be), and has also procured plans and estimates of the work to be made by the said , and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, as the case may be), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (or deepening, as the case may be), by every road and lot or portion of lot, the said assessment so made, and the report of the said in respect thereof, and of the said drainage (or deepening, as the case may be) being as follows: (here set out the report and assessment of the Engineer or Surveyor employed.)

And whereas the said Council are of opinion that the drainage of the locality described (or, the deepening of such stream, creek or water-course, as the case may be) is desirable:

Be it therefore enacted by the said Municipal Council of the said Township of , pursuant to the provisions of chapter one hundred and seventy-four of "The Revised Statutes of Ontario"—

1st. That the said report, plans and estimates be adopted, and the said drain (or deepening, as the case may be) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of the sum of , being the funds necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than one hundred dollars each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say, in (insert the manner of payment, whether in annual payments or otherwise), such de-

bentures to be payable at \_\_\_\_\_, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of (*four hundred and seventy-five dollars*), being the amount charged against the said lands so to be benefited as aforesaid, other than lands (*or roads, or lands and roads*) belonging to the Municipality, and to cover interest thereon for (*ten*) years, at the rate of (*five*) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into \_\_\_\_\_ equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for \_\_\_\_\_ years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
10	5	200	8 cts.			
"	S $\frac{1}{2}$ 6	100	75 00			
"	N $\frac{1}{2}$ 6	50	50 00			
"	S W $\frac{1}{2}$ 8	100	30 00			
"	9	200	80 00			
"	S $\frac{1}{2}$ and N $\frac{1}{2}$ 10	150	150 00			
			90 00			
			475 00			
Chargeable to Municipality for roads (or lands, or roads and lands) .....			120 00			
			595 00			

4th. For the purpose of paying the sum of *one hundred and twenty dollars*, being the total amount assessed as aforesaid against the said roads (*or lands, or roads and lands*) of the said Municipality, and to cover interest thereon for (*ten*) years at the rate of (*five*) per cent. per annum, a special rate of \_\_\_\_\_ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole rateable property in the said Township of \_\_\_\_\_, in each year for the period of \_\_\_\_\_ years, after the date of the final passing of this by-law, during which the said debentures have to run.

Amendment of by-law.

2. In the event of the assessment being altered by the Court of Revision or Judge, the by-law shall, before being finally passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be). 36 V. c. 48, s. 448.

Before final passing by-law to be published.

**531.** Before the final passing of the by-law it shall be published once or oftener in every week for four weeks in some newspaper in the Municipality, or, if no newspaper is published therein, then in some newspaper published in the nearest Municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention

Also notice as to when and how proceedings to quash to be taken.

to make application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the Term next ensuing the final passing of the by-law, and the Council shall, at least three weeks before the final passing of the by-law, post up conspicuously a copy thereof, and of the said notices, at four or more of the most public places of the Municipality. 36 V. c. 48, s. 449.

Copy of by-law and notices to be posted up.

**532.** In case no such notice of intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law. 36 V. c. 48, s. 450.

If no application to quash made in time specified, by-law to be valid, notwithstanding defects.

2. In case any by-law already passed, or which may be hereafter passed by the Council of any Municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said Council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded. 37 V. c. 20, s. 2; 40 V, c. 7, *Sched. A* (183).

Power to amend by-law when no sufficient means provided for completion of the work.

**533.** No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. 37 V. c. 20, s. 3.

Debentures not to be invalid though not in accordance with by-law.

**534.** Wherever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any Municipality, the Engineer or Surveyor employed by the Council of such Municipality may continue the survey and levels into the adjoining Municipality, until he finds fall enough to carry the water beyond the limits of the Municipality in which the deepening or drainage was commenced. 36 V. c. 48, s. 451.

When work may be extended beyond limits of municipality.

**535.** Where the deepening and drainage do not extend beyond the limits of the Municipality in which they are commenced, but, in the opinion of the Engineer or Surveyor aforesaid, benefit lands in an adjoining Municipality, or greatly improve any road lying within any Municipality, or between two or more Municipalities, then the Engineer or Surveyor aforesaid shall charge the lands to be so benefited, and the Corporation, person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the

When lands, etc., in adjoining municipality may be charged though works not carried into such municipality.

arbitrators, shall be paid out of the general funds of such Municipality or company. 36 V. c. 48, s. 452.

Report as to  
which municipi-  
pality to bear  
expense.

**536.** The Engineer or Surveyor aforesaid shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such Municipality, or whether it shall be constructed and maintained at the expense of both Municipalities, and in what proportion. 36 V. c. 48, s. 453.

Plans, etc.

**537.** The Engineer or Surveyor aforesaid, where necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein. 36 V. c. 48, s. 454.

Council of  
municipality  
wherein work  
began to  
notify municipi-  
pality to be  
benefited.

**538.** The Council of the Municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the Municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the Engineer or Surveyor aforesaid, when necessary, so far as they affect such last mentioned Municipality; and unless the same is appealed from as herein-after provided, it shall be binding on the Council of such Municipality. 36 V. c. 48, s. 455.

Municipality  
so notified  
shall proceed  
to raise neces-  
sary amounts.

**539.** The Council of such last mentioned Municipality shall, within four months from the delivery to the head of the corporation of the report of the Engineer or Surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators, in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in the five hundred and twenty-ninth section of this Act. 36 V. c. 48, s. 456.

But such  
municipality  
may appeal.

**540.** The Council of the Municipality into which the deepening or drainage is to be continued, or whose lands, road or roads are to be benefited without the deepening or drainage being carried within its limits, may, within twenty days from the day in which the report was served on the head of the Municipality, appeal therefrom; in which case they shall serve the head of the Corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an Engineer or other person as their arbitrator, and shall call upon such Corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice. 36 V. c. 48, s. 457.

Proceedings  
thereon.



**541.** The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act with reference to arbitration, and shall proceed as therein directed; but in no case shall the Engineer or Surveyor employed to make surveys, plans and specifications be appointed or act as arbitrator. 36 V. c. 48, s. 458.

Arbitrators shall be appointed, etc.

**542.** After such deepening or drainage is fully made and completed, it shall be the duty of each Municipality, in the proportion determined by the Engineer or arbitrators (*as the case may be*), or until otherwise determined by the Engineer or arbitrators, under the same formalities, as nearly as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the Municipality, or parties more immediately interested, or at the joint expense of such parties and the Municipality, as to the Council, upon the report of the Engineer or Surveyor, may seem just.

Each municipality to contribute to maintaining such deepening or drainage in proportions fixed by engineer.

2. Any such Municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compellable by *mandamus* to be issued by any Court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason of such neglect or refusal. 36 V. c. 48, s. 459.

Provisions for case of neglect etc.

Liability for damage.

**543.** In any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other Municipality than that in which the same was commenced, or wherein the lands or roads of any such other Municipality are not benefited by such deepening or drainage, it shall be the duty of the Municipality making such deepening or drainage, to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shown in the by-law when finally passed.

When works not extended beyond limits of municipality commencing same, etc., or do not benefit any other municipality, works to be maintained by municipality commencing same.

2. In any case where similar drainage has been constructed out of the general funds of the Municipality previous to the tenth day of February, 1876, the Council may without petition, on the report of an Engineer or Surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such drainage, and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to drainage made and completed under the provisions of this Act.

When drainage already completed has been paid for out of funds of Municipality repair may be charged on property benefited.

3. The Council may, from time to time, change such assessment on the report of an Engineer or Surveyor appointed

And assessment charged.

by them to examine and report on such drain, deepening and repairs, subject to the like rights of appeal as the persons charged would have in the case of an original assessment. 36 V. c. 48, s. 460; 39 V. c. 34, s. 7.

(Case of a drain being used by another municipality.

**544.** If a drain already constructed, or hereafter constructed, by a Municipality, is used as an outlet, or otherwise by another Municipality, Company or individual, such Municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as may be ascertained by the Engineer, Surveyor or arbitrators under the formalities provided in the preceding sections. 36 V. c. 48, s. 461.

Disputes as to damage done by works to be referred to arbitration.

**545.** If any dispute arises between individuals, or between individuals and a Municipality or Company, or between a Company and Municipality, or between Municipalities, as to damages alleged to have been done to the property of any Municipality, individual or company, in the construction of drainage works, or consequent thereon, then the Municipality, Company or individual complaining may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties. 36 V. c. 48, s. 462.

Drains into adjoining lots or across highways.

**546.** In case any person finds it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the Council of the Municipality, refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or Municipality, the same shall be determined by the fence-viewers in the same manner as disputes within "*The Line Fences Act*," excepting as to the amount of such award which shall be finally decided by the fence-viewers, and their award shall be final. 37 V. c. 16, s. 20.

Rev. Stat. c. 198.

Power to contract to spread earth, etc., on making ditch for drainage, ss. 529 to 558.

**547.** Where, under the provisions of the sections five hundred and twenty-nine to five hundred and fifty-eight, both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made by the Municipal Council so constructing for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it 39 V. c. 34, s. 3.

**548.** The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the Engineer or Provincial Land Surveyor may deem just and proper, shall be charged to the Municipality and paid out of its general funds. 39 V. c. 34, s. 4. Payment by municipality.

**549.** Where it is necessary to construct such a ditch along a town line between two or more Municipalities, the Municipal Council of either of the adjoining Municipalities may, on petition, as provided for in section five hundred and twenty-nine of this Act, cause the ditch to be constructed on either side of the road allowance between the Municipalities, and make the road in manner as provided in the two preceding sections of this Act, and shall charge the lands and roads benefited in the adjoining Municipality or Municipalities with such proportion of the cost of constructing the said ditch as the Engineer or Surveyor aforesaid deems just and proper; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such Municipality or Municipalities. 39 V. c. 34, s. 5. Construction of ditch on town line between municipalities.

**550.** The provisions of sections five hundred and twenty-nine to five hundred and fifty-eight, both inclusive, of this Act shall apply as far as applicable to any such ditch. 39 V. c. 34, s. 6. Sec. 529-558 to apply.

## DIVISION II.—LOCAL IMPROVEMENTS IN CITIES, TOWNS AND VILLAGES.

*Local Improvements.* Secs. 551-554.

*Sweeping, Watering and Lighting Streets.* Sec. 555.

*Acquisition of Lands beyond the limits for public purposes.* Sec. 556.

**551.** The Council of every City, Town, and incorporated Village may pass by-laws for the following purposes:

City, town and village councils may make by-laws for—  
Ascertaining the real property to be benefited by a local improvement, etc.

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; subject in every case to an appeal to the Judge of the County Court, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment; 36 V. c. 48, s. 464 (1).

Appeal.

2. For assessing and levying upon the real property to be immediately benefited by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging, or altering, macadamizing, grading, levelling, paving or plank-

Assessing and levying upon real property benefited by certain public

works undertaken on a petition, etc.

Annual rate.

Regulating time and manner of levying assessments, etc.

If funds furnished by parties.

Conditions precedent to undertaking any such public works.

Further conditions as to sewers.

In certain cases petitions may be dispensed with.

Unless assessment petitioned against.

ing of any street, lane or alley, public way or place, or of any sidewalk, or any bridge forming part of a highway therein, on the petition of at least two-thirds in number of the owners of such real property, representing one-half the value of such real property, a special rate, sufficient to include a sinking fund, for the re-payment of debentures which such Councils are hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements; and for so assessing and levying the same, by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements; 36 V. c. 48, s. 464 (2).

3. For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums; 36 V. c. 48, s. 464 (3);

4. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected. 36 V. c. 48, s. 464 (4).

**552.** No such local improvement as aforesaid shall be undertaken by the Council (unless as provided in the next section), except under a by-law passed in pursuance of the fourth subsection of the preceding section, otherwise than on the petition of two-thirds in number of the owners of the real property to be directly benefited thereby, representing at least one-half in value of such real property; the number of such owners and the value of such real property having been first ascertained, and finally determined in the manner and by the means provided by by-law in that behalf; and if the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the Council, by by-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise. 36 V. c. 48, s. 465.

**553.** In cases where the Council of any City, Town or incorporated Village decides to contribute at least half of the cost of such local improvement, it shall be lawful for the said Council to assess and levy, in manner hereinbefore provided by the five hundred and fifty-first and five hundred and fifty-second sections of this Act, from the owners of real property to be directly benefited thereby, the remaining portion of such cost without petition therefor, unless the majority of such owners representing at least one-half in value of such property, petition the Council against such assessment, within one month after the publication of a notice of such proposed assessment in at least two newspapers published in such City, Town or incor-



porated Village, if there are two newspapers published therein, and if there are not, then in two newspapers published nearest the proposed work. 36 V. c. 48, s. 466.

**554.** Nothing contained in the three next preceding sections of this Act shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged or prolonged, and every street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the City, Town, or Village generally. 36 V. c. 48, s. 467.

Certain sections not to apply to certain works.

*Sweeping, Lighting and Watering Streets.*

**555.** The Council of every City, Town and incorporated Village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein according to the frontage thereof; but the Council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid.

Lighting, watering and sweeping streets.

2. The Council may also, by by-law, define certain areas or sections within the Municipality in which the streets should be watered, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in watering such streets. 36 V. c. 48, s. 468; 37 V. c. 16, s. 21.

**556.** The Council of any City, Town, or incorporated Village may from time to time as occasion may require, acquire and hold by purchase or otherwise, for the public use of the Municipality, lands situate outside the limits of such City, Town or incorporated Village; but such lands so acquired, shall not form part of the Municipality of such City, Town or incorporated Village, but shall continue and remain as of the Municipality where situate. 40 V. c. 25, s. 1. See also Secs. 461 (7), and 467 (8).

Power to Cities, Town and incorporated Villages to acquire lands outside their limits.

**DIVISION III.—COUNTY BY-LAWS FOR ROAD IMPROVEMENTS.**

*Special rates by County Councils for local improvements in Townships, Secs. 557, 558.*

**557.** The Council of every County shall have power to pass by-laws for levying by assessment on all rateable property with-

Local rates or special improvements.

in any particular part of one or parts of two Townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one Township or between parts of such two Townships, and by which the inhabitants of such parts will be more especially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any Town or incorporated Village. 36 V. c. 48, s. 469.

Proceedings  
to obtain by-  
law for such  
improvements.

**558.** No by-law under the last preceding section shall be passed, except—

1. Upon a petition signed by at least two-thirds of the electors who are rated for at least one-half of the value of the property within those parts of such Townships which are to be affected by the by-law; nor

Notice,

posted up,

and published  
for three  
weeks.

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the Township, and at the places for holding the sittings of the Council of each Township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the County Town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. 36 V. c. 48, s. 470.

#### TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

*Aiding by taking stock, loan, guarantee or bonus. Sec. 559.*

*Head of Council to be a Director ex-officio. Sec. 560.*

*Townships may permit Railways to pass along highways, &c. Sec. 561.*

By-laws may  
be made for—

**559.** The Council of every Township, County, City, Town and incorporated Village may pass by-laws—

Taking stock  
in certain rail-  
ways or guar-  
anteeing  
debentures.  
14, 15 V. c. 61,  
s. 18.

C. S. C. c. 66,  
ss. 75-78.

Rev. Stat.  
c 165, s. 31.

1. For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated Railway Company to which the eighteenth section of the statute fourteenth and fifteenth Victoria, chapter fifty-one, or sections seventy-five to seventy-eight inclusive of chapter sixty-six of the Consolidated Statutes of Canada, or the equivalent sections of "*The Railway Act of Ontario*," have been or may be made applicable by any special Act; 36 V. c. 48, s. 471 (1).

2. For endorsing or guaranteeing the payment of any debenture to be issued by the Company for the money by them borrowed, and for assessing and levying from time to time, upon the whole rateable property of the Municipality, a sufficient sum to discharge the debt or engagement so contracted; 36 V. c. 48, s. 471 (2).

For guaran-  
teeing the  
payment of  
debentures,  
etc.

3. For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the Municipal Council thinks meet; 36 V. c. 48, s. 471 (3).

For issuing  
debentures,  
etc.

4. For granting bonuses to any Railway Company in aid of such Railway, and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses; 36 V. c. 48, s. 471 (4).

Bonuses.

5. For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively :

Form of  
debenture.

But no Municipal Corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof receives the assent of the electors of the Municipality in manner provided by this Act. 36 V. c. 48, s. 471 (5). (See also *Rev. Stat. c. 165, s. 31*) (3).

Subscriptions,  
etc., to be  
confirmed by  
assent of  
electors.

**560.** In case any Municipal Council subscribes for and holds stock in a Railway Company under section five hundred and fifty-nine to the amount of twenty thousand dollars or upwards, the head of the Council shall be *ex-officio* one of the Directors of the Company, in addition to the number of Directors authorized by the special Act, and shall have the same rights, powers and duties as the other Directors of the company. 36 V. c. 48, s. 475. (See also *Rev. Stat. c. 165, s. 31*) (4).

In certain  
cases, head of  
council to be  
*ex-officio*  
a director.

**561.** The Council of every Township may pass by-laws for authorizing any Railway Company, in case such authority is necessary, to make a branch railway on property of the Corporation, or on highways, under such conditions as the Council sees fit, and subject to the restrictions contained in "*The Railway Act of Ontario*," and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the Council sees fit. 36 V. c. 48, s. 476.

By-laws  
authorizing  
branch  
railways,  
tram and  
other railways  
along high-  
ways.

*Rev. Stat. c.*  
165.

## PART VIII.

### POLICE VILLAGES.

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES, AND ELECTION OF.

DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

*Existing Villages continued. Sec. 562.*

*New—how formed. Sec. 563.*

Existing  
police villages  
continued.

**562.** Until otherwise provided by competent authority, every existing Police Village shall continue to be a Police Village, with the boundaries now established. 36 V. c. 48. s. 477.

New police  
villages.

**563.** On the petition of any of the inhabitants of an unincorporated Village, the Council or Councils of the County or Counties within which the Village is situate may, by by-law, erect the same into a Police Village, and assign thereto such limits as may seem expedient. 36 V. c. 48, s. 478.

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

*Existing Trustees continued. Sec. 564.*

*Trustees three in number. Sec. 565.*

*Qualification required for. Secs. 566, 567.*

*Electors, who are. Sec. 568.*

*Election, where to be held. Secs. 569, 570.*

*Returning Officer, how appointed. Sec. 570.*

*No Election in a Tavern. Sec. 571.*

*Nomination, how conducted. Secs. 572–574.*

*Polling, how conducted. Secs. 575–579.*

*Powers of Returning Officer. Sec. 580.*

*Tenure of office. Sec. 581.*

*Voters' Lists, &c., to be returned. Sec. 582.*

*Vacancies, how filled. Sec. 583.*

*Inspecting Trustee, how appointed. Sec. 584.*

Present trus-  
tees continued.

**564.** The Trustees of every Police Village existing when this Act takes effect, shall be deemed the Trustees respectively of every such Village as continued under this Act. 36 V. c. 48, s. 479.



**565.** The Trustees of every Police Village shall be three in number. 36 V. c. 48, s. 480. Number of trustees.

**566.** The persons qualified to be elected Police Trustees shall be such persons as reside within the Police Village or within two miles thereof, and are eligible to be elected Township Councillors, and are qualified in respect of property for which they are rated in such Police Village to the amount required so to qualify them. 36 V. c. 48, s. 481. Qualification of trustees.

**567.** If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 36 V. c. 48, s. 482. Deficiency in number of qualified persons.

**568.** Any Township elector, rated on the last assessment roll for such property in a Police Village as entitles him to vote in respect thereof at the municipal election for the Township, shall be entitled to vote at the election for Police Trustees. 36 V. c. 48, s. 483. Qualification of electors.

**569.** The Council by which a Police Village is established shall, by the by-law establishing the same, name the place in the Village for holding the first election of Police Trustees, and the Returning Officer therefor. 36 V. c. 48, s. 484. Place for holding first election, etc.

**570.** In a Police Village, after the first election, the Trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the Returning Officer, and the place or places within such Village for holding nominations and elections. 36 V. c. 48, s. 485. Place for holding subsequent elections, etc.

**571.** No election of Police Trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. 36 V. c. 48, s. 486. No elections to be in taverns.

**572.** A meeting of the electors shall take place for the nomination of candidates for the offices of Police Trustees, in each Police Village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the Trustees. Nomination meeting.

2. When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. 36 V. c. 48, s. 487 ; 39 V. c. 7, s. 20. Provision for Christmas Day.

**573.** The Returning Officer (or, in his absence, a Chairman to be chosen) shall preside at such meeting, of which the Police Trustees shall give at least six days' notice. 36 V. c. 48, s. 488. Who to preside.

**574.** If only three candidates are proposed and seconded, the Returning Officer or Chairman shall, after a lapse of one hour, declare such candidates duly elected. 36 V. c. 48, s. 489. If no more candidates than officers.

If more and  
poll demand-  
ed.

Election.

**575.** If more than the necessary number of candidates are proposed, the Returning Officer or Chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. 36 V. c. 48, s. 490.

Notice of per-  
sons proposed,  
to be posted.

List of voters  
to be obtained.

**576.** The Returning Officer or Chairman of the meeting shall on the day following that of the nomination, post up in the office of the Clerk of the Township, if it is situated in such Police Village, and if not, then in some other public place in such Police Village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the Clerk of the Township, or Clerks of the Townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said Police Village, such as is required to be furnished under the next section. 36 V. c. 48, s. 491; 40 V. c. 7, *Sched. A* (184).

Clerk of town-  
ship to furnish  
alphabetical  
list of voters.

List to be  
attested by  
declaration.

**577.** The Clerk of the Township, or Clerks of the Townships in which any Police Village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the Returning Officer of such Police Village a list of the names according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at Township municipal elections, in respect of real property situate, or income received in the said Police Village, or in the portion thereof in the Municipality of such Clerk, and shall attest the said list by his solemn declaration in writing under his hand. 36 V. c. 48, s. 492; 40 V. c. *Sched. A* (185).

Except where  
otherwise pro-  
vided, same  
proceedings,  
etc., to be had  
as at elections,  
etc., of council-  
lors, etc.

**578.** The various sections of this Act relating to the proceedings at the nomination and election of Township Councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a Chairman or Returning Officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision is herein made, in the election of Police Trustees. 36 V. c. 48, s. 498; 40 V. c. 7, *Sched. A* (186).

Casting vote  
in case of ties.

**579.** In case a casting vote is required to determine an election, the Returning Officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the Returning Officer shall not vote at any such election. 36 V. c. 48, s. 495.

Powers of  
returning  
officer.

**580.** The Returning Officer shall have the like powers for the preservation of the peace as are given to Returning Officers and Deputy Returning Officers at municipal elections. 36 V. c. 48, s. 499.

**581.** The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 36 V. c. 48, s. 496.

**582.** Every Returning Officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the Clerk of the Township in which the Village is situated, or in case the Village lies in several Townships, then to the Clerk of the County, verified under oath before such Clerk, or before any Justice of the Peace for the County or Union of Counties in which the Village lies, as to the due and correct taking of the votes. 36 V. c. 48, s. 497.

Returning officer to return ballot papers, &c., to clerk of township, verified under oath.

**583.** In case of any vacancy in the office of a Police Trustee, by death or otherwise, the remaining Trustee or Trustees shall, by writing to be filed with such Clerk as aforesaid, appoint a Trustee or Trustees to supply the vacancy. 36 V. c. 48, s. 500.

Filling vacancies.

**584.** The Trustees of every Police Village, or any two of such Trustees, shall, by writing under their hands to be filed with the Clerk of the Township, or in case the Village lies in several Townships, with the Clerk of the County, appoint one of their number to be Inspecting Trustee. 36 V. c. 48, s. 501.

Appointment of inspecting trustees.

DIVISION III.—DUTIES OF POLICE TRUSTEES.

- Oaths of office and qualification. Sec. 585.*
- First meeting of. Sec. 586.*
- Expenses of, how provided for. Secs. 587–590*
- Trustees to be Health Officers. Sec. 591.*
- Regulations to be enforced by Trustees. Sec. 592.*
- Penalties for breach, how recovered. Sec. 593.*
- Neglect of duty by Trustees, how punishable. Sec. 594.*
- Limitation of suits for penalties. Sec. 595.*

**585.** Every Police Trustee shall take oaths of office and qualification in the same manner and within the time prescribed for Township Councillors, under like penalties in case of default. 36 V. c. 48, s. 502.

Oaths of office and qualification.

**586.** The Trustees of every Police Village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 36 V. c. 48, s. 503.

When first meeting to be held.

**587.** The Trustees, at any time previous to the first day of June, may require the Council of the Township or Townships in which the Police Village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such Village, such sums as they may estimate to be required to

Expenditure, how provided for.

cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. 36 V. c. 48, s. 504.

Where village  
in two or more  
townships.

**588.** In case the Village is situated in two or more Townships, the Trustees shall require a proportionate amount from each, according to the value of the property of the Village in each Township, as shown by the last equalized assessment rolls. 36 V. c. 48, s. 505.

Payment of  
orders given by  
trustees, etc.

**589.** The Township Treasurer shall from time to time, if he has moneys of the Municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the Inspecting Trustee, or by any two of the Trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. 36 V. c. 48, s. 506.

When orders  
may be given.

**590.** No Trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. 36 V. c. 48, s. 507.

Trustees to be  
health officers.  
Rev. Stat.  
c. 190.

**591.** The Trustees of every Police Village shall be Health Officers within the Police Village, under *The Act respecting the Public Health*. 36 V. c. 48, s. 508.

Following  
regulations to  
be enforced.

**592.** The Trustees of every Police Village shall execute and enforce therein the regulations following :—

### *Prevention of Fire.*

For providing  
ladders, etc.

1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues. 36 V. c. 48, s. 509 (1)

Penalty.

Fire buckets.  
Penalty.

2. Every householder shall provide himself with two buckets for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient. 36 V. c. 48, s. 509 (2).

As to furnaces,  
etc.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance. 36 V. c. 48, s. 509 (3).

Penalty.

Stove pipes,  
etc.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches



between the pipe and the wood-work nearest thereto ; and the pipe of every stove shall be inserted into a chimney ; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of two dollars. 36 V. c. 48, s. 509 (4). Penalty.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of one dollar. 36 V. c. 48, s. 509 (5). Lights in  
stables, etc.  
Penalty.

6. No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar. 36 V. c. 48, s. 509 (6). Chimneys.  
Penalty.

7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence. 36 V. c. 48, s. 509 (7). Securing fire  
carried  
through  
streets, &c.  
Penalty.

8. No person shall light a fire in a street, lane or public place, under a penalty of one dollar. 36 V. c. 41, s. 509 (8). Fire in streets,  
Penalty.

9. No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there. 36 V. c. 48, s. 509 (9). Hay, straw,  
&c.  
Penalty.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar. 36 V. c. 48, s. 509 (10). Ashes, &c.  
Penalty.

11. No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the Inspecting Trustee, so as to prevent any danger of fire. 36 V. c. 48, s. 509 (11). Lime,  
Penalty.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars. 36 V. c. 48, s. 509 (12). Charcoal  
furnaces.  
Penalty.

### *Gunpowder.*

13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence. 36 V. c. 48, s. 509 (13). Gunpowder,  
how to be  
kept.  
Penalty.

Not to be sold  
at night.

Penalty.

14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence. 36 V. c. 48, s. 509 (14).

### *Nuisances.*

Certain  
nuisances  
prohibited.

15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same after being notified to do so by the Inspecting Trustee, or some other person authorized by him. 36 V. c. 48, s. 509 (15).

Who to sue for  
penalties.

And before  
whom.

Conviction  
and levy of  
penalty.

**593.** The Inspecting Trustee, or in his absence, or when he is the party complained of, one of the other Trustees, shall sue for all penalties incurred under the regulations of police herein established, before a Justice of the Peace having jurisdiction in the Village and residing therein, or within five miles thereof; or if there be none such, then before any Justice of the Peace having jurisdiction in the Village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the Path-master or Path-masters of the division or divisions to which the Village belongs, or to such of the said Path-masters as the Trustees may direct; and such Path-master or Path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the Village, under the direction of the Trustees. 36 V. c. 48, s. 510.

Penalty for  
breach of duty  
by trustees.

**594.** Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the Village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. 36 V. c. 48, s. 511.

When prosecu-  
tions to be  
commenced.

**595.** The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 36 V. c. 48, s. 512.

### CONFIRMING AND SAVING CLAUSES.

Exceptions  
from repeal.

**596.** Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the

Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen ; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which Cities and other Municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. 36 V. c. 48, s. 513.

**597.** Nothing herein contained shall affect *The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, and Thunder Bay.* 36 V. c. 48, s. 514.


SCHEDULE "A."

(Section 119.)

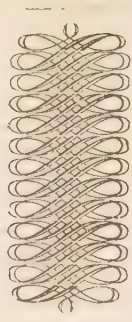
FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

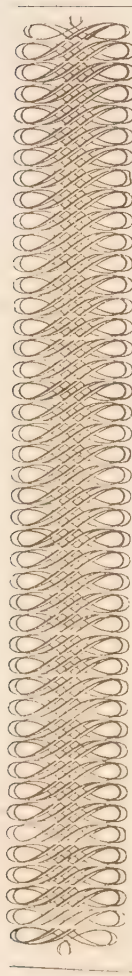
 Election for the Members of the Municipal Council of the City of _____, Ward No. _____, Polling Subdivision No. _____, day of January, 18 ____.		FOR MAYOR.
	1	<b>ALLAN.</b> Charles Allan, King Street, City of Toronto, Merchant.
	2	<b>BROWN.</b> William Brown, City of Toronto, Banker.

## FORM FOR ALDERMEN.

	Election for the Members of the Municipal Council of the City of _____, Ward No. _____, Polling Sub-division No. _____, day of January, 18____.	
		<i>FOR ALDERMAN.</i>
	<b>1</b>	<b>ARGO.</b> James Argo, City of Toronto, Gentleman.
	<b>2</b>	<b>BAKER.</b> Samuel Baker, City of Toronto, Baker.
	<b>3</b>	<b>DUNCAN.</b> Robert Duncan, City of Toronto, Printer.

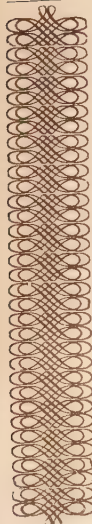
(2. In the case of Towns divided into Wards.)

## FORM FOR MAYOR, REEVE AND DEPUTY REEVE.

	Election for the Members of the Municipal Council of the Town of _____, Ward No. _____, day of January, 18____.	
		<i>FOR MAYOR.</i>
	<b>1</b>	<b>THOMPSON</b> Jacob Thompson, of the Town of Barrie, Merchant.
	<b>2</b>	<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.
		<i>FOR REEVE (if any).</i>
	<b>1</b>	<b>BROWN.</b> John Brown, of the Town of Barrie, Merchant.
	<b>2</b>	<b>ROBINSON.</b> George Robinson, of the Town of Barrie, Merchant.
	<i>FOR DEPUTY REEVE (if any).</i>	
	<b>1</b>	<b>ARMOUR.</b> Jacob Armour, of the Town of Barrie, Pumpmaker.
	<b>2</b>	<b>BOYD.</b> Zachary Boyd, of the Town of Barrie, Tinsmith.




FORM FOR COUNCILLORS.


	Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. , day of January, 18 .	
		<i>FOR COUNCILLOR.</i>
	<b>1</b>	<b>BULL.</b> John Bull, of the Town of Barrie, Butcher.
	<b>2</b>	<b>JONES.</b> Morgan Jones, of the Town of Barrie, Grocer.
	<b>3</b>	<b>McALLISTER.</b> Allister McAllister, of the Town of Barrie, Tailor.
	<b>4</b>	<b>O'CONNELL.</b> Patrick O'Connell, of the Town of Barrie, Milkman.

(3. In the case of Townships divided into Wards.)

FORM FOR REEVE.

	Election of Members of the Municipal Council of the Township of , in the County of , Ward No. , day of January, 18 .	
		<i>FOR REEVE.</i>
	<b>1</b>	<b>BARDELL, THOMAS,</b> Of the Township of Peel, Yeoman.
	<b>2</b>	<b>SNODGRASS, ALFRED,</b> Of the Township of Peel, Yeoman.

## FORM FOR COUNCILLORS.

	Election of Members of the Municipal Council of the Township of _____, in the County of _____, day of January, 18____ Ward No., _____ of _____	
	<i>FOR COUNCILLOR.</i>	
	<b>1</b>	<b>BULL.</b> John Bull, of the Township of York, Doctor of Medicine.
	<b>2</b>	<b>JONES.</b> Morgan Jones, of the Township of York, Farmer.
	<b>3</b>	<b>McALLISTER.</b> Allister McAllister, of the Township of York, Farmer.
	<b>4</b>	<b>O'CONNELL.</b> Patrick O'Connell, of the Township of York, Lumber Merchant.
	<b>5</b>	<b>RUAN.</b> Malachi Ruan, of the Township of York, Farmer.
<b>6</b>	<b>SCHULTZE.</b> Gottfried Schultze, of the Township of York, Farmer.	
<b>7</b>	<b>WASHINGTON.</b> George Washington, of the Township of York, Gentleman.	

(1. In the case of Incorporated Villages and Townships not divided into Wards.)

		<i>FOR REEVE.</i>
	<b>1</b>	<b>BROWN.</b> John Brown, of the Village of Yorkville, Merchant.
	<b>2</b>	<b>ROBINSON.</b> George Robinson, of the Village of Yorkville, Physician.
		<i>FOR DEPUTY REEVE (if any).</i>
	<b>1</b>	<b>ARMOUR.</b> Jacob Armour, of the Village of Yorkville, Punpmaker,
	<b>2</b>	<b>BOYD.</b> Zachary Boyd, of the Village of Yorkville, Tinsmith.
		<i>FOR COUNCILLOR.</i>
	<b>1</b>	<b>BULL.</b> John Bull, of the Village of Yorkville, Butcher.
	<b>2</b>	<b>JONES.</b> Morgan Jones, of the Village of Yorkville, Grocer.
	<b>3</b>	<b>McALLISTER.</b> Allister McAllister, of the Village of Yorkville, Tailor.
	<b>4</b>	<b>O'CONNELL.</b> Patrick O'Connell, of the Village of Yorkville, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, &c.

39 V. c. 5, Sched. A.

## SCHEDULE "B."

*(Sections 122 and 141.)*

## DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, thus X

The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON and ROBERT WALKER ; for Reeve, JOHN BROWN and GEORGE ROBINSON ; for Deputy Reeve, JACOB ARMOUR and ZACHARY BOYD ; and for Councillors, JOHN BULL, MORGAN JONES, ALLISTER McALLISTER and PATRICK O'CONNELL ; and the elector has marked the first paper in favour of JACOB THOMPSON for Mayor, GEORGE ROBINSON for Reeve, and ZACHARY BOYD for Deputy Reeve, and has marked the second paper in favour of JOHN BULL and PATRICK O'CONNELL for Councillors :—*

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Election for the Members of the Municipal Council of the Town of  
 , Polling Subdivision No.  
 day of January, 18 .

	<i>FOR MAYOR.</i>
<b>1</b>	<b>THOMPSON.</b> Jacob Thompson, of the Town of Barrie, Merchant. X
<b>2</b>	<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.
	<i>FOR REEVE (if any).</i>
<b>1</b>	<b>BROWN.</b> John Brown, of the Town of Barrie, Merchant.
<b>2</b>	<b>ROBINSON.</b> George Robinson, of the Town of Barrie, Merchant. X
	<i>FOR DEPUTY REEVE (if any.)</i>
<b>1</b>	<b>ARMOUR.</b> Jacob Armour, of the Town of Barrie, Pumpmaker.
<b>2</b>	<b>BOYD.</b> Zachary Boyd, of the Town of Barrie, Tinsmith. X

Election for the Members of the Municipal Council of the  
 Town of  
 , Ward No.  
 Subdivision No.  
 day of January, 18 .

	<i>FOR COUNCILLOR.</i>
<b>1</b>	<b>BULL.</b> John Bull, of the Town of Barrie, Butcher. X
<b>2</b>	<b>JONES.</b> Morgan Jones, of the Town of Barrie, Grocer.
<b>3</b>	<b>McALLISTER.</b> Allister McAllister, of the Town of Barrie, Tailor.
<b>4</b>	<b>O'CONNELL.</b> Patrick O'Connell, of the Town of Barrie, Milkman. X

## SCHEDULE C.

(Sections 125, 126, 128 and 296).

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Pro- perty in respect of which the voter is entitled to vote.	Freeholder, House- holder, Tenant or Farmer's Son.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Mayor and Reeve.	Councillor.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen."  
 In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."  
 39 V. c. 5, *Sched. B.*; 40 V. c. 12, s. 17.

## SCHEDULE "D."

(Section 131.)

## CERTIFICATE AS TO ASSESSMENT ROLL.

*Election to the Municipal Council of the*  
*of* , 18 .

I, A. B., Clerk of the Municipality of , in the County  
 of , do hereby certify that the assessment roll for this  
 Township (or as the case may be) of upon which the voters'  
 list to be used at this election is based, was returned to me by the Assessor  
 for said Township (or as the case may be) on the day of  
 , 18 , and that the same was finally revised and cor-  
 rected on the day of , 18 .

Dated this day of , 18

A. B.,  
 Clerk.

40 V. c. 12, Sched. B.

## SCHEDULE "E."

(Section 144.)

## FORM OF DECLARATION OF INABILITY TO READ, &amp;c.

I, A. B., of , being numbered on the voters' list, for  
 polling subdivision No. , in the City (or as the case may be) of  
 and County of , being a legally qualified elector for the said City  
 (or as the case may be) of , do hereby declare that I am unable to  
 read (or that I am from physical incapacity unable to mark a voting paper,  
 as the case may be).

The day of , A.D. 18 .

A. B. (His  $\times$  mark.)

38 V. c. 28, Sched. D.

## SCHEDULE "F."

(Section 144.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE  
DECLARATION OF INABILITY TO READ, &c.

I, C. D., the undersigned, being the Deputy Returning Officer for poll-  
 ing subdivision No. , for the City (or as the case may be) of , do  
 hereby certify that the above (or as the case may be) declaration, having  
 been first read to the above-named A. B., was signed by him in my pre-  
 sence with his mark.

(Signed) C. D.,  
 Deputy Returning Officer for Polling Sub-  
 Division No. , in the City (or  
 as the case may be) of .

Dated this day of , A.D. 18 .

38 V. c. 28, Sched. E.

## SCHEDULE "G."

(Sections 150, 307 and 308.)

## OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, C. D., the undersigned Deputy Returning Officer for polling sub-  
 division No. , of the City (or as the case may be) of , in the  
 County of , do solemnly swear (or if he is a person permitted by law

to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. of the said City (*or as the case may be*), was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) C. D.,  
Deputy Returning Officer.  
, this day of ,

Sworn (*or affirmed*) before me at  
A.D. 18 .

(Signed) X. Y.,  
Justice of the Peace.  
*Or A. B.,*  
Clerk of Municipality of .

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

38 V. c. 28, Sched. F.

## SCHEDULE "H."

(Section 163.)

### FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of ,  
A.D. 18 .

C. D.,  
Justice of the Peace (*or Clerk*  
of the Municipality of ).

38 V. c. 28, Sched. G.

## SCHEDULE "J."

(Section 288.)

### FORM OF BALLOT PAPER.



..... 18  
Voting on By-Law to (*here insert*  
*object of the by-law*), submitted to  
of the Council of the

FOR

The By-law.

AGAINST

The By-law.

39 V. c. 35, Sched. A.



SCHEDULE " K. "

(Sections 291 and 293.)

I, the undersigned A. B., solemnly declare that I am a ratepayer of the Township (or as the case may be) of (the Municipality the Council of which proposed the by-law), and that I am desirous of promoting (or opposing, as the case may be) the passing of the by-law to (here insert object of the by-law), submitted to the Council of said Township (or as the case may be).

Made and declared before me this (Signature) A. B.  
day of , A.D. .  
C. D.,  
Head of Municipality. 39 V. c. 35, Sched. B.

SCHEDULE " L. "

(Section 300.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus X) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

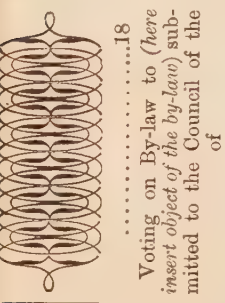

The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer, (or Returning Officer, as the case may be), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law :—

	FOR The By-Law.	
	AGAINST The By-law.	

## SCHEDULE "M."

(Section 312.)

## FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (*or as the case may be*) of \_\_\_\_\_ (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

*C. D.*,  
Justice of the Peace (*or* Clerk  
of the Municipality of \_\_\_\_\_).

39 V. c. 35, Sched. D.

## CHAPTER 175.

An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

## Organization of Townships :

Area and Population required,  
s. 1.

Preliminary Meeting, ss. 2-5.

Election of first Council, ss. 6-16.

Appointment of Clerk, &c., s. 17.

## Powers of Council :

General powers, s. 18.

As to assessment, ss. 19-20.

Appeals therefrom, s. 21-26.

Assessments after the first, s. 27.

Collection of taxes, ss. 28, 29.

Arrears of taxes, s. 30.

Sale of lands, s. 31.

As to liquor licenses, s. 32.

As to licensing of auctioneers, &c.,  
s. 33.

As to constables, s. 34.

As to lock-up houses, s. 35.

Other powers, s. 36.

## Elections and Councils after the first :

Voters' qualification, s. 37.

Councillors' qualification, s. 38.

Election how conducted, s. 39.

Nomination meeting, ss. 40-42.

Polling, s. 43.

Tenure of office, s. 44.

Controverted elections, s. 45.

Vacancies in Council, s. 46.

Conduct of business, s. 47.

Reeve to be a Justice of the Peace,  
s. 48.

## Police villages :

Formation of, ss. 49, 50.

Electors, s. 51.

Trustees, s. 52.

Powers of Lieut.-Governor as to  
annexation or union, s. 53.

Special provisions as to Algoma,  
ss. 54, 55.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Municipalities  
may be or-  
ganized.

1. It shall be lawful for the inhabitants of any locality in the Districts of Muskoka, Parry Sound, Nipissing and Thunder

Bay, having a population of not less than one hundred persons within any Township, or within an area of not more than ten thousand acres, to organize themselves into a Township Municipality in respect of such Township or area. 36 V. c. 50, s. 31. *As to Algoma, see section 54.*

**2.** In order to constitute and establish a Municipality as above provided, it shall be lawful for the Stipendiary Magistrate of the District in which such locality is situate, upon the receipt of a petition in which the limits of the said proposed Municipality are defined, and signed by not less than thirty inhabitants of such locality, to call a meeting by public notice of said inhabitants, to consider the expediency of erecting a Municipality. 35 V. c. 37, s. 2.

Stipendiary Magistrate, upon petition, to call a public meeting to form Municipality.

**3.** Before the said Stipendiary Magistrate calls said meeting, it shall be the duty of those petitioning for said Municipality to deposit with him a sum sufficient to meet the expense of said meeting, as also of the election to be held, as hereinafter provided. 35 V. c. 37, s. 3.

Petitioners to make a deposit to meet expenses of the meeting and election.

**4.** The said Stipendiary Magistrate shall name some fit and competent person to preside at said meeting, who shall forthwith report the result of the same, with the votes given thereat, to said Stipendiary Magistrate, under oath, which may be administered by any Justice of the Peace. 35 V. c. 37, s. 4.

Magistrate to appoint chairman.

**5.** Upon receiving the report of said meeting for the establishment of a Municipality, the Stipendiary Magistrate shall fix a time and place for holding the first election in said proposed Municipality, and shall, in the notice providing for said election, name the Returning Officer who shall preside at said election; but no such Municipality shall be established unless at such meeting at least thirty freeholders or householders have voted in favour thereof. 35 V. c. 37, s. 5.

Magistrate to provide for first election.

**6.** The officers to be elected at the said election shall be one Reeve and four Councillors, who shall have the same qualification as voters, and shall constitute the Council of the Township, the Reeve being the head thereof. 40 V. c. 8, s. 53 (1).

Council, of what officers composed.

**7.** The persons qualified to vote at said election shall be male British subjects of the full age of twenty-one years, being householders resident in the locality proposed to be organized into a Municipality. 40 V. c. 8, s. 53 (2).

Qualification of voters.

**8.** At the time and place appointed by the Stipendiary Magistrate under the fifth section of this Act, the nomination of candidates shall be made in the same manner as is provided in respect to the nomination of candidates at municipal elections. 40 V. c. 8, s. 53 (3).

Nomination.

Election by  
acclamation.

**9.** In case no more persons are nominated than are required to be elected, the Returning Officer shall declare such persons to be elected. 40 V. c. 8, s. 53 (4).

Notice of time  
and place of  
holding poll.

**10.** In case a poll is required the Returning Officer shall adjourn the proceedings until the same day of the following week, and shall declare the place at which a poll will be opened in the locality, and shall forthwith post up in at least six of the most public and conspicuous places in the locality, a notice declaring that a poll will be held at such time and place. 40 V. c. 8, s. 53 (5).

Poll book and  
how filled up.

**11.** The Returning Officer shall, previous to the opening of the poll, procure a poll book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns write the names of the electors offering to vote at the election and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. 40 V. c. 8, s. 53 (6).

Casting vote.

**12.** In case a casting vote is required to determine an election, the Returning Officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case, the Returning Officer shall not vote at any such election. 40 V. c. 8, s. 53 (7).

Term of office  
of first member  
of Council.

**13.** The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 40 V. c. 8, s. 53 (8).

Oath of voters.

**14.** The following shall be the oath to be administered to voters at such election :

You swear (*or solemnly affirm*) that you are A. B. ;  
That you are a subject of Her Majesty by birth (*or naturalization*) ;  
That you are of the full age of twenty-one years ;  
That you are a householder in the locality now proposed to be organized into a Municipality ;  
That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;  
That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

40 V. c. 8, ss. 50 & 53 (9).

Declaration of  
election.

**15.** After the said election, the said Returning Officer shall return to the said Stipendiary Magistrate the result of the same, and the said Stipendiary Magistrate shall, as soon as may be convenient thereafter, by public notice, declare the names of



the persons so elected, who shall forthwith enter upon the duties of their office; and the said Municipality shall from thenceforth be known as "The Corporation of the Municipality of \_\_\_\_\_, in the District of \_\_\_\_\_;" and the said Reeve and Councillors shall hold and continue in office until their successors are elected, as hereinafter provided. 35 V. c. 37, s. 8.

Name of Municipality.  
Tenure of office of Councillors.

16. The first meeting of the Council shall be held at a time and place to be fixed by the Stipendiary Magistrate. 35 V. c. 37, s. 9.

First meeting of Council.

17. The said Council shall at their first meeting, or as early as possible thereafter, appoint a Clerk, Treasurer and Collector, who shall hold office until removed or dismissed by said Council; and the said Council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose. 35 V. c. 37, s. 10.

Appointment and remuneration of Clerk, Treasurer and Collector.

#### POWERS OF COUNCILS.

18. The said Council shall have power to pass by-laws for such purposes as are provided for regarding Townships under "*The Municipal Act*;" and the provisions of the said Act relating to Township Municipalities and their officers shall apply to the Municipalities erected under this Act, except where inconsistent with this Act. 35 V. c. 37, s. 18.

Council to pass certain by-laws.  
Rev. Stat. c. 174.

19. The said Council shall, as early as convenient after their first meeting, appoint one or more Assessors, who shall enter upon a roll to be provided for that purpose:

Assessors to be appointed to enter in assessment rolls,

(a.) The names of all the freeholders and householders in said Municipality, stating at the same time on the roll the amount of all the real and personal property owned by such persons respectively, and the actual value thereof, and whether the owners are resident or not;

Freeholders and householders.

(b.) The names of all persons liable to taxation for income, or who, though exempt from taxation, have required their names to be entered on the said roll in respect of such income, stating at the same time the amount of such income.

Persons taxable for income.

(c.) The names of all farmers' sons entitled to be assessed under the provisions of "*The Assessment Act*."

Farmers' sons,  
Rev. Stat. c. 180, s. 20.

and the said Assessor or Assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post-office, stating in such notice the particulars of said assessment. 35 V. c. 37, s. 11; 37 V. c. 3, s. 1; 40 V. c. 9.

Notice of assessment.

Rolls to be returned to Clerk.

**20.** The said roll shall be returned to the Clerk of the Municipality within such time as may be provided for by any by-law passed by said Council. 35 V. c. 37, s. 12.

Appeal against assessment.

**21.** The person or persons so assessed, if he complains of his assessment, shall, within one month after the time fixed for returning said roll, notify in writing the Clerk of his grounds of complaint. 35 V. c. 37, s. 13.

Council to hear and determine appeals.

**22.** The said Council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall, after hearing the parties complaining, as well as the Assessor or Assessors, and such evidence as may be adduced, alter or amend the roll accordingly. 35 V. c. 37, s. 14.

Appeal from the Council to Stipendiary Magistrate.

**23.** An appeal may be had from the decision of the said Council in that behalf to the Stipendiary Magistrate in the same manner as to the County Judge in other Municipalities, and the decision of the Stipendiary Magistrate shall be final. 37 V. c. 17, s. 1.

Notice of appeal.

**24.** Notice of appeal shall in all cases of appeal to the Stipendiary Magistrate be left with the Clerk of the Division Court of the Division in which such Municipality is situated, and copies thereof shall also be left with the Clerk of the Municipality; and such notice shall be so given and left within the time, and the said Clerks respectively shall, with regard to such appeal, perform all the duties and matters in the manner in that behalf required by law in the case of a like appeal to the County Judge as aforesaid. 37 V. c. 17, s. 2.

Powers of Stipendiary Magistrate.

**25.** The Stipendiary Magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Judge in like case in other Municipalities. 37 V. c. 17, s. 3.

Revised roll to be the roll of the municipality.

**26.** The said roll when finally revised by the Council, or by the Stipendiary Magistrate in case of appeal, shall be taken and held as the roll of the Municipality, for all purposes, until a new roll has been made as hereinafter provided. 35 V. c. 37, s. 15.

Council to fix time for making assessment.

**27.** The said Council shall by by-law fix the time for making the subsequent assessments in the Municipality at periods of not less than one nor more than three years: and the year for the purposes of this Act shall be considered as commencing on the first day of January thereof. 35 V. c. 37, s. 16; 37 V. c. 17, s. 5.

Council to levy rates.

**28.** The Council may, in each year after the final revision of the roll, pass a by-law for levying a rate on all the real and

personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of said Municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the eighteenth section of this Act. 35 V. c. 37, s. 17.

**29.** The said Council shall, by by-law, fix the time for the Collector making his return, and the said Collector shall have the same powers as are conferred on Collectors by "*The Assessment Act.*" 35 V. c. 37, s. 19.

The Collector, his returns and powers.

Rev. Stat. c. 180.

**30.** Arrears of taxes due to any Municipality formed under this Act shall be collected and managed in the same way as like arrears due to Municipalities in Counties; and the Treasurer and Reeve of such Municipality shall perform the like duties in the collection and management of arrears of taxes, as in Counties are performed by the Treasurers and Wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said Municipalities and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor. 38 V. c. 13, s. 9.

Collection of taxes and sales for taxes.

**31.** No sale of any lands for taxes shall take place in any such Municipality formed as aforesaid, except during the months of July, August, September or October; and the advertisement of the proposed sale, which under the one hundred and thirty-first and one hundred and thirty-second sections of "*The Assessment Act*" is required to be published in the *Ontario Gazette* and in a local newspaper, shall, when lands are to be sold in any such Municipality for arrears of taxes, be published also once a week, for at least four weeks, in such newspaper published in the City of Toronto as the Lieutenant-Governor in Council may designate. 38 V. c. 13, s. 10.

Mode of sale for arrears of taxes.

Notices, time for.

Rev. Stat. c. 180, ss. 131-132

**32.** The Council of any Municipality formed under this Act shall have the like authority in respect to taverns and shops within the Municipality and the licenses therefor as the Councils of Townships possess under "*The Liquor License Act.*" 35 V. c. 37, s. 26; 39 V. c. 26, ss. 1 & 25.

Council to regulate tavern licenses.

Rev. Stat. c. 181.

**33.** Except in the cases of Townships and Villages attached or belonging to a County for municipal purposes, the Councils of Townships and incorporated Villages in Provisional Judicial, Temporary Judicial, and Territorial Districts shall have power to pass by-laws for the purposes mentioned in sub-sections two and three of the four hundred and sixty-fifth section of "*The Municipal Act.*" 40 V. c. 8, s. 54.

Townships and Villages in Districts to have power to license auctioneers, etc.

Rev. Stat. c. 174, s. 465 (2) & (3).

**34.** The Council shall have the power to appoint one or more constables within the Municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables; and the said Council shall

Appointment and removal of constables.

Fees to  
constables.

have power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables: but such appointment and tariff of fees shall be subject to the approval and ratification of the Stipendiary Magistrate of the said District. 35 V. c. 37, s. 28.

Council may  
establish a  
lock-up house.

**35.** The said Council may establish and maintain a Lock-up House within the Municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such Lock-up House: but the appointment of said constable shall be ratified by the Stipendiary Magistrate of the District; and the said Council shall have power to remove or suspend such constable for neglect of duty or other misconduct. 35 V. c. 37, s. 27.

Appointment  
of a constable  
thereto.

Certain sec-  
tions of Rev.  
Stat. c. 174,  
to apply.

**36.** In addition to the powers conferred upon said Township or Village Municipalities by this Act, the following sections, with their sub-sections of "*The Municipal Act*," shall be applicable to the said Municipalities, so far as they can be adapted to the same, viz.: sections two hundred and thirty-seven, two hundred and thirty-nine, two hundred and forty, two hundred and forty-four, two hundred and forty-six, two hundred and forty-seven, two hundred and fifty-four, two hundred and fifty-five, two hundred and fifty-six, two hundred and fifty-seven, two hundred and fifty-eight, two hundred and sixty-five, two hundred and sixty-six, two hundred and sixty-seven, two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy, two hundred and seventy-two, two hundred and eighty-two, two hundred and eighty-four, three hundred and nineteen, three hundred and twenty, three hundred and twenty-one, three hundred and twenty-two, three hundred and twenty-three, three hundred and twenty-four, three hundred and twenty-eight, three hundred and twenty-nine, three hundred and thirty-seven, three hundred and ninety-four, three hundred and ninety-nine, four hundred and one, four hundred and two, four hundred and three, four hundred and fifty-four, four hundred and eighty-nine, and four hundred and ninety-one. 35 V. c. 37, s. 33; 40 V. c. 8, s. 54.

Secs. 237, 239,  
240, 244, 246,  
247, 254, 255,  
256, 257, 258,  
265, 266, 267,  
268, 269, 270,  
272, 282, 284,  
319, 320, 321,  
322, 323, 324,  
328, 329, 337,  
394, 399, 401,  
402, 403, 454,  
489, 491.

#### ELECTIONS AFTER THE FIRST.

Who qualified  
to vote.

**37.** The persons qualified to vote at every election after the first shall be:

Real property.

1. Every male freeholder and resident householder whose name appears in the revised assessment roll upon which the voters list used at the election is based, for said Municipality, and who is of the full age of twenty-one years, and a naturalized or natural-born subject of Her Majesty;

Income.

2. Every male person who resides at the time of the election



in the Municipality in which he tenders his vote, and has resided therein continuously since the completion of the last revised assessment roll of the Municipality, and derives an income from some trade, calling, office or profession of not less than four hundred dollars annually, and is assessed for such income in and by the revised assessment roll upon which the voters list used at the election is based, of the Municipality, and possesses the qualifications required by law other than in respect of property. 35 V. c. 37, s. 21; 36 V. c. 48, s. 77; 37 V. c. 3, s. 1; 37 V. c. 17, s. 9.

3. Every person who is a farmer's son within the meaning of "*The Municipal Act*," and entitled as such to vote at municipal elections, under the provisions of said Act. See 40 V. c. 9. Farmers' sons,  
Rev. Stat. c.  
174, s. 76.

38. The persons qualified to be elected as members of the Council in any Municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment roll for at least two hundred dollars freehold or four hundred dollars leasehold. 35 V. c. 37, s. 22. Qualifications  
of Councillor.

39. All elections after the first shall be conducted in the same manner as is provided for municipal elections in Townships in Ontario, except so far only as is otherwise enacted by this Act. 37 V. c. 17, s. 7, *part*. Place and con-  
duct of elec-  
tion.

40. A meeting of the electors shall take place for the nomination of candidates for the offices of Reeve and Councillors of the Municipalities formed in accordance with the provisions of this Act, on the last Monday in December, annually, at such place therein as may from time to time be fixed by by-law of the Council. 37 V. c. 17, s. 7, *part*. Nomination of  
Reeve and  
Councillors.

41. When the last Monday in December happens to be Christmas Day, the nomination of candidates for the office of Reeve and Councillors in each of the said Municipalities, shall take place on the preceding Friday, at the times and places, and in the manner prescribed by law. 39 V. c. 7, s. 20. Nomination  
day falling on  
Christmas  
Day.

42. The Clerk of the Municipality shall preside at the meeting for the nomination of candidates for the offices of Reeve and Councillors for such Municipality, and shall be the Returning Officer at all elections after the first election. 37 V. c. 17, s. 8. Clerk to pre-  
side at nomi-  
nation.  
  
Returning  
officer.

43. The electors of every such Municipality shall elect annually, on the first Monday in January, the members of the Council of the Municipality, except such members as may have been elected by acclamation on the nomination day. 37 V. c. 17, s. 7, *part*. Polling day.

44. The persons so elected shall hold office until their successors are elected and sworn into office. 37 V. c. 17, s. 7, *part*.

Trial of controverted elections.

**45.** The provisions of law for the trial of controverted elections, applicable to Councillors of Townships in Counties, shall apply to the members of the Council of any Municipality formed under this Act. 38 V. c. 13, s. 12.

Vacancy in Council, how filled.

**46.** In case the seat of any member of the Council becomes vacant by death, resignation or a continued absence from meetings of the Council for a period of six months, it shall be the duty of the Council to direct a new election to be held for the purpose of supplying such vacancy. 35 V. c. 37, s. 23.

Who to preside at meetings of the Council.

**47.** The Reeve of the said Council shall preside at all meetings thereof, and, in the event of his absence, the Council shall choose from among their number, a person to preside, and, in such case, the said person so presiding shall have all the powers and exercise all the functions appertaining to the Reeve. 35 V. c. 37, s. 24.

Reeves to be Justices of the Peace.

**48.** The Reeves of the various Municipalities shall be *ex officio* Justices of the Peace, and shall have the like powers as are exercised by other Justices of the Peace in this Province. 35 V. c. 37, s. 25.

#### POLICE VILLAGES.

Erection of police villages.

**49.** On the petition of thirty of the inhabitants of a Village in any of the said Territorial Districts containing one hundred inhabitants at least, the Lieutenant-Governor in Council may, by proclamation, erect the same into a Police Village, and assign thereto such limits as seem expedient. 35 V. c. 37, s. 29.

Rev. Stat. c. 174, ss. 562-595, to apply to police villages.

**50.** The provisions of "*The Municipal Act*" relating to Police Villages or their officers, shall apply to the Police Villages erected under the preceding section, except where inconsistent with this Act. 35 V. c. 37, s. 30.

Qualification of electors, and elections in police villages.

**51.** The electors of any such Police Village shall be required to have the same qualification in respect to such Village as the electors of the said Township Municipalities; and the elections for Police Trustees shall be held on the same days and in the same manner as elections for Councillors. 35 V. c. 37, s. 31.

Qualification of police trustees.

**52.** Any elector of such Police Village resident therein may be elected as a Police Trustee, unless disqualified on account of holding an office inconsistent with the position of Police Trustee. 35 V. c. 37, s. 32.

Lieutenant-Governor in Council may annex to certain municipalities territory adjacent thereto, and form two into one.

**53.** The Lieutenant-Governor in Council may, by proclamation, annex to any Municipality formed as aforesaid, any territory lying adjacent thereto, and may, upon the application of two or more adjacent Municipalities, form the same, either with or without additional area, into one Municipality.

**2.** In any such case the Lieutenant-Governor may fix the time at which the annexation or union shall take effect, and also the time when the first election shall take place, and the name by which the Municipality shall be called. 38 V. c. 13, s. 11.

## ALGOMA.

**54.** Except so far as regards any territory comprised in the Municipality of Shuniah, this Act shall apply to the District of Algoma, except that the duties which by the preceding sections of this Act are required to be performed by the Stipendiary Magistrate shall, in that portion of Algoma which is not included within the District of Thunder Bay, be performed by the Judge of the District Court of Algoma. 38 V. c. 13, s. 13; 36 V. c. 50, s. 28. Act to apply to Algoma.

**55.** If any dispute at any time arises as to the validity of any by-law, or resolution, or order of any Municipality in the District of Algoma, the same shall be referred to the Judge of the District of Algoma, whose decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the Sheriff of the said District, adapted to the purposes intended. 33 V. c. 25, s. 25. Judge to decide disputes as to validity of by-laws, etc.

## 2. *Miscellaneous Municipal Matters.*

CHAP. 176.—Registration of Debentures, p. 1803.

“ 177.—Calling and Holding of Public Meetings, p. 1809.

“ 178.—Exemption of Firemen from certain duties, p. 1816.

“ 179.—Support of Destitute Insane Persons, p. 1818.

## CHAPTER 176.

An Act respecting the Registration of Municipal and certain other Debentures.

Short title, s. 1.

Returns to

Registrar, s. 2.

Provincial Secretary, s. 3.

Duties of

Provincial Secretary, s. 4.

Registrar, ss. 5, 6.

By-laws, how to be verified, s. 7.

Books to be open to inspection, s. 8.

Registrar's fees, s. 9.

Penalties, s. 12.

Sanction of Lieutenant-Governor to by-laws, s. 10.

Railway, etc., debentures not within the Act, s. 11.

Debenture not impeachable against *bona fide* holder for value without notice, s. 13.

Debentures good for face value, C. S. C. c. 84, s. 16.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as "*The Debentures Registration Act.*"

Certified copies of all by-laws under which debentures are intended to be issued, to be transmitted to the proper Registrar, etc.

**2.** It shall be the duty of the Clerk or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other corporate body, within two weeks after the final passing of any by-law made and passed by such Corporation for the purpose of raising money by the issue of debentures, and before the sale or contract for sale of any such debentures issued or intended to be issued there under, to transmit to the Registrar of the County or other Registration Division in which such Municipal Corporation or other corporate body, or its principal office, is situated, a copy duly certified, as hereinafter provided, of each and every by-law made and passed as aforesaid by such Municipal or Provisional Municipal Corporation, or other corporate body, together with a return in the form specified in the Schedule A, hereunto annexed, showing the title or objects of each such by-law, the amounts to be raised thereunder, the number of debentures to be issued thereunder, the amounts thereof respectively, the dates at which the same respectively fall due, the assessed value of the real and personal estate belonging to such Corporation or Company, the assessed value of the real and personal estate of the Municipality, and the amount of the yearly rate in the dollar to liquidate the same. C. S. C. c. 84, s. 2.

Return to be made to Provincial Secretary.

**3.** The Clerk, or person acting as such, of every Municipal or Provisional Municipal Corporation, and the Clerk or Secretary, or person acting as such, of any other corporate body (excepting such as are in and by this Act excepted), shall, on or before the tenth day of January in each year, transmit to the Provincial Secretary a return made up to the thirty-first day of December then last past, in the form specified in the Schedule B hereunto annexed, showing the name of the Municipal or Provisional Municipal Corporation, or other corporate body,—the amount of its debt, if any, distinguishing the amount of debt incurred under the Municipal Loan Fund Acts, if any, from the remainder of its debt—the assessed value of the real and personal estate belonging to such Corporation or Company, or the assessed value of the real and personal estate of the Municipality, or both, as the case may be—the total rates, if any, per dollar, assessed on such last mentioned property for all purposes, and the amount of interest due by the Corporation or Company, or by the Municipality. C. S. C. c. 84, s. 3.

Provincial Secretary to compile tables from such returns and lay them before the Legislative Assembly.

**4.** The Provincial Secretary shall annually compile, from the returns so transmitted, a statement in tabular form, showing the names of the several Corporations in one column, and the contents of their respective returns against their respective names in other columns, corresponding to those in the said Schedule B; and he shall cause copies thereof to be laid before the Legis-



lative Assembly within the first fifteen days of the Session next after the completion of the same, or if the Legislative Assembly is sitting when the same is completed, as soon as may be after such completion. C. S. C. c. 84, s. 4.

5. The Registrar of the County or other Registration Division in which such Municipal Corporation or other corporate body or its principal office is situated, shall receive and file in his office the several by-laws required to be transmitted to him as hereinbefore provided, and shall cause to be entered in a book provided for that purpose, true and correct copies of the returns hereinbefore required by the second section of this Act. C. S. C. c. 84, s. 5.

Registrar to file such by-laws, and to keep books with copies of the returns required by section 2.

6. The Registrar of each County or other Registration Division, as aforesaid, shall provide a book of registration, wherein he shall, at the request of the original holder or holders, or any subsequent transferee or transferees thereof respectively, from time to time, cause to be entered and registered the name of such original holder or holders, or of such subsequent transferee or transferees, and such holder or last registered transferee in such book of registration shall be deemed *prima facie* the legal owner and possessor thereof. C. S. C. c. 84, s. 6.

If requested, the registrar may register the name of such holder of any debenture, and registration to be *prima facie* evidence.

7. All by-laws mentioned in the second section of this Act shall be certified and authenticated by the seal of the Municipal Corporation, and by the signature of the head thereof, or of the person presiding at the meeting at which the original by-law has been made and passed, and also by that of the Clerk of such Corporation; and all by-laws of other corporate bodies shall be attested and authenticated by the seal of such corporate body and by the signature of the head thereof. C. S. C. c. 84, s. 7.

Mode in which by-laws shall be certified.

8. The certified copies of all by-laws hereinbefore referred to and transmitted as aforesaid, and also the returns in the second section of this Act mentioned, and the book or books of entry of such returns and of registration, shall be open to public inspection and examination, and access had thereto at all seasonable times and hours upon payment of certain fees as hereinafter provided. C. S. C. c. 84, s. 8.

By-laws, returns and books of entry in Registry Office, to be open to inspection.

9. The following fees shall be paid to Registrars under this Act:

Fees to be payable under this Act.

	\$	cts.
For registration of each certified copy of By-laws, the sum of	2	00
For registration of any Returns as prescribed in Schedule A, for each such Return, the sum of .....	1	00
For registration of the name of holder or transferee of any number of debentures not exceeding five, the sum of ... ..	0	25
Over five and not exceeding fifteen, the sum of .....	0	50

	\$ cts.
Over fifteen and not exceeding thirty, the sum of.. .. .	0 75
Upwards of thirty, the sum of.....	1 00
For making search, inspecting each copy of By-law, and examining entries connected therewith.....	1 00
	C. S. C. c. 84, s. 9.

Meaning of term "final passing," as to by-laws to be submitted to the Lieutenant-Governor.

**10.** In all such cases as require the submission of any by-law or by-laws to the Lieutenant-Governor of this Province for his sanction, such sanction must first be obtained to bring the same within the meaning of the words "final passing thereof" in the second section of this Act. C. S. C. c. 84, s. 10.

Act not to extend to railway companies or ecclesiastical corporations, &c.

**11.** The foregoing sections of this Act shall not extend to the by-laws, or debentures thereunder, of any Railway Company or any Ecclesiastical Corporation heretofore incorporated or hereafter to be incorporated, or the debentures issued by any religious denomination in its corporate capacity. C. S. C. c. 84, s. 11.

Penalty on officers of corporations neglecting their duties under this Act.

**12.** Any Clerk or Secretary as aforesaid, of any Municipality or corporate body as aforesaid, who neglects to perform, within the proper period, any duty devolving upon him in virtue of this Act, shall be subject to a fine of two hundred dollars, or, in default of payment thereof, to imprisonment until such fine is paid, but for a period not exceeding twelve months, to be prosecuted for in the name of the Attorney-General of Ontario, in any Court of competent jurisdiction. C. S. C. c. 84, s. 12.

When not impeachable.

**13.** Any such debenture issued as aforesaid shall not be impeachable in the hands of a *bona fide* holder for value, without notice. C. S. C. c. 84, s. 16.

[Section 16 of C. S. C. c. 84, is as follows:—

Good for full amount though discounted at a less sum.

**16.** Any such debenture issued as aforesaid shall be valid and recoverable to the full amount thereof, notwithstanding its negotiation by such Corporation at a rate less than par or at a rate of interest greater than six per centum per annum, and shall not be impeachable in the hands of a *bona fide* holder for value without notice. 18 V. c. 80, s. 4.]



## SCHEDULE "B."

(Sections 3 and 4.)

RETURN as required by Chapter 176 of The Revised Statutes of Ontario, entitled "*An Act respecting the Registration of Municipal and certain other Debentures*," of Debentures issued by (*here insert title of Corporation*).

Under Municipal Loan Fund Acts.	LIABILITIES.  All other Liabilities.	Assessed value of Real and Personal Estate belonging to the Body Corporate.		Assessed value of the Real and Personal Estate of the Municipality.		Total Rates Assessed for all purposes.	Interest due by the Corporation ( <i>or</i> Company, <i>or</i> Municipality.)
		Real.	Personal.	Real.	Personal.		
	Total Liabilities.						



## CHAPTER 177.

## An Act respecting Public Meetings.

Public Meetings defined, ss. 1-3.  
 What notices required to constitute,  
 ss. 4-8.  
 Sheriff, Mayor, or Magistrates to  
 attend meeting, s. 9.  
 Order of proceedings at, s. 10.  
 Powers of Chairman, ss. 11, 12.  
 Special constables, ss. 13, & C. S.  
 C. c. 82, s. 14.  
 Limitation of actions for things  
 done under this Act, s. 14.

Provisions of C. S. C. c. 82. *See pp*  
 1813-14.  
 Magistrates may disarm persons,  
 s. 15.  
 Weapons to be returned, ss. 16,  
 17.  
 Battery, how punishable, s.  
 18.  
 No arms to be carried, s. 19.  
 Lying in wait, do. s. 20.

**I**T being the undoubted right of Her Majesty's subjects to meet together in a peaceable and orderly manner, not only when required to do so in compliance with the express direction of law, but at such other times as they may deem it expedient so to meet for the consideration and discussion of matters of public interest, or for making known to their Gracious Sovereign or Her Representative in this Province, or to both or either Houses of the Imperial or Dominion Parliaments, or the Provincial Legislature, their views respecting the same, whether such be in approbation or condemnation of the conduct of public affairs; Preamble.

And it being expedient to make legislative provision for the calling and orderly holding thereof, and the better preservation of the public peace at the same;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** All public meetings of the inhabitants or of any particular class of the inhabitants of any District, County, Riding, City, Town, Township or Ward in this Province, which are required by law, and summoned or called in the manner hereinafter by the fourth section of this Act prescribed, shall be and be deemed to be public meetings within the meaning of this Act. C. S. C. c. 82, s. 1. “Public meetings” within the protection of this Act..

**2.** All public meetings of the inhabitants or of any particular class of inhabitants of any District, County, Riding, City, Town, Township or Ward in this Province, called by the Sheriff of any such District or County, or by the Mayor or other chief municipal officer of any such City or Town respectively, in the manner “Public meetings” called by Sheriff or two magistrates to be within protection of this Act.

hereinafter by the fifth section of this Act prescribed, upon the requisition of any twelve or more of the freeholders, citizens or burgesses of such District, County, Riding, City, Town, Township or Ward, having a right to vote for members to serve in Legislative Assembly in respect of the property held by them within such District, County, Riding, City, Town, Township or Ward respectively, and all such meetings called by any two or more Justices of the Peace resident in any such District, County, Riding, City, Town, Township, or Ward respectively, upon a like requisition from twelve or more of such freeholders, citizens or burgesses, shall be and be deemed to be public meetings within the meaning of this Act. C. S. C. c. 82, s. 2.

“Public meetings” declared by two magistrates to be within the protection of this Act to be so.

**3.** All public meetings of the inhabitants or of any particular class of the inhabitants of any District, County, Riding, City, Town, Township or Ward in this Province, declared to be public meetings within the meaning of this Act by any two Justices of the Peace resident in such District, County, Riding, City, Town, Township or Ward, in the manner hereinafter by the sixth section of this Act prescribed, shall be and be deemed to be public meetings within the meaning of this Act. C. S. C. c. 82, s. 3.

Manner of bringing meetings required by law within protection of this Act.

**4.** In every notice or summons for calling together any such public meeting as in the first section of this Act is mentioned, there shall be contained a notice that such meeting, and all persons attending the same, will be within the protection of this Act, and requiring all persons to take notice thereof and govern themselves accordingly.

Notice.

**2.** Such part of the notice or summons may be in the form or to the effect following:

And be it known, that the meeting to be held in pursuance hereof is called in conformity with the provisions of Chapter 177 of “*The Revised Statutes of Ontario*,” entitled “*An Act respecting Public Meetings*,” and that the said Meeting and all persons attending the same will therefore be within the protection of the said Act, of all which premises, all manner of persons are hereby in Her Majesty’s name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

C. S. C. c. 82, s. 4.

Manner of bringing meetings called by Sheriffs, etc., within the protection of this Act.

**5.** The notice to be issued by the Sheriff of any County, or by the Mayor or other chief municipal officer of any City or Town, or by two or more Justices of the Peace, for calling any such public meeting as in the second section of this Act is mentioned:

**1.** Shall be issued at least three days before the day upon which such meeting is appointed to be held; and shall set forth

“; The names of the requisitionists, or of a competent number of them;

(b) That such meeting is called in conformity with the provisions of this Act; and

(c) That such meeting, and all persons attending the same, will be within the protection of this Act, and that all persons are required to take notice thereof and govern themselves accordingly.

2. Such notice may be in the form or to the effect of Schedule A to this Act. C. S. C. c. 82, s. 5.

6. Upon information on oath, before any Justice of the Peace, that any public meeting of the inhabitants, or of any particular class of the inhabitants of any District, County, Riding, City, Town, Township or Ward, not being a public meeting of the description mentioned in the first section of this Act, or a public meeting called in the manner referred to in the second section of this Act, is appointed to be held at any place within the jurisdiction of such Justice, and that there is reason to believe that great numbers of persons will be present at such meeting: any two Justices of the Peace having jurisdiction within the District, County, City or Town within which such Meeting is appointed to be held, may give notice of such Meeting, and may declare the same, and declare all persons attending the same, within the protection of this Act, and require all persons to take notice thereof and govern themselves accordingly, and such notice or declaration may be in the form of Schedule B to this Act. C. S. C. c. 82, s. 6.

By private persons within the protection of this Act.

7. Every Sheriff, Mayor, Justice of the Peace, or other person who calls any such public meeting as is mentioned in the second section of this Act, shall give public notice thereof, as extensively as he reasonably can, by causing to be posted and distributed throughout the District, County, Riding, City, Town, Township or Ward for which the same is called, a sufficient number of printed or written copies of the notice calling the same. C. S. C. c. 82, s. 7.

Sheriff or Justices, &c., calling meetings on requisition to give certain notices.

8. The Justices of the Peace who declare any public meeting about to be held to be a public meeting within the protection of this Act, as in the third section of this Act mentioned, shall give public notice of its having been so declared, by causing to be posted and distributed throughout the District, County, Riding, City, Town, Township, or Ward for which the same is so called, as many printed or written copies of the notice or declaration issued by them in that behalf as may be reasonably necessary for that purpose, and as the time appointed for the holding such meeting reasonably admits. C. S. C. c. 82, s. 8.

Justices declaring meetings to be within protection of Act to give certain notices.

9. Every Sheriff, Mayor, Justice of the Peace, or other person who either calls any public meeting under the provisions of

Sheriffs and Justices calling and declar-

ing meeting under this Act to attend the same.

the second section of this Act, or declares any meeting called by others to be a public meeting within the protection of this Act, under the provisions of the third section hereof, shall attend such meeting, and whether such Sheriff, Mayor, Justice of the Peace, or other person is appointed by such public meeting to take the chair and preside over the same, or not, every such Sheriff, Mayor, Justice of the Peace, and other person shall continue at or near the place appointed for holding such public meeting, until the same has dispersed, and shall afford all such assistance as is in his power in preserving the public peace thereat. C. S. C. c. 82, s. 9.

Chairman to read requisition and make proclamation for the preservation of order.

**10.** Every person required by law, or who has, in the usual way, been appointed at such public meeting to preside over the same, shall commence the proceedings of the meeting by causing the summons or notice calling the meeting, or the declaration whereby the same is declared to be a public meeting, under the protection of this Act, to be publicly read. C. S. C. c. 82, s. 10.

Chairman to remove disorderly persons, and convict on view of disturbance.

**11.** Any person required by law, or who has been appointed at such meeting in the usual way to preside over the same, shall cause order to be kept at such meetings, and for that purpose may, by oral direction or otherwise, cause any person who attempts to interrupt or disturb such meeting to be removed to such a distance from the same as may effectually prevent such interruption or disturbance, and by an instrument in writing under his hand, on his own view, may adjudge any person who so attempts to interrupt or disturb such meeting guilty of such attempted interruption or disturbance, upon which conviction any Justice of the Peace may, by warrant under his hand, forthwith commit such person to the Common Gaol of the County or District, or to any other place of temporary confinement that such Justice may appoint, for any period not exceeding forty-eight hours from the time of commitment signed, and until the lawful costs of the constable and gaoler for the arrest, transmission and detention of such person are paid or satisfied. C. S. C. c. 82, s. 11.

To call on Justices of the Peace, constables, &c., for assistance.

**12.** For the purpose of keeping the peace and preserving good order at every such public meeting, the person required or appointed to preside at such meeting as aforesaid may command the assistance of all Justices of the Peace, constables, and other persons to aid and assist him in so doing. C. S. C. c. 82, s. 12.

Justices to swear in special constables on requisition of Chairman.

**13.** Any Justice of the Peace present at any such meeting, upon the written application of the person so required or appointed to preside at the same, shall swear in such a number of special constables as such Justice may deem necessary for the preservation of the public peace at such meeting. C. S. C. c. 82, s. 13.



14. Every action to be brought against any person for anything by him done under authority of this Act, or chapter eighty-two of the Consolidated Statutes of Canada, must be brought within twelve months next after the cause of such action accrued. C. S. C. c. 82, s. 21.

Actions to be brought within 12 months.

[Sections 14 to 20 of C. S. C. c. 82, enact as follows :—

14. If any person between the ages of eighteen and sixty, upon being required to be sworn in as a special constable by any Justice of the Peace, upon any such occasion, omits or refuses to be sworn, unless for some cause to be allowed by such Justice at the time, such person shall be guilty of a misdemeanor, and such Justice may thereupon record the refusal of such person so to be sworn, and adjudge him to pay a fine of not more than eight dollars, which fine shall be levied and made by the like process as other fines imposed by summary proceedings before Justices of the Peace, or such person may be proceeded against by indictment or information as in other cases of misdemeanor. 7 V. c. 7, s. 14.

Persons of certain ages refusing to be sworn in, guilty of a misdemeanor.

15. Any Justice of the Peace within whose jurisdiction any such meeting is appointed to be holden, may demand, have and take, of and from any person attending such meeting, or on his way to attend the same, any offensive weapon, such as fire-arms, swords, staves, bludgeons or the like, with which any such person is so armed, or which any such person has in his hands or possession; and every such person who upon such demand declines or refuses to deliver up, peaceably and quietly, to such Justice of the Peace any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, and such Justice may thereupon record the refusal of such person to deliver up such weapon, and adjudge him to pay a fine of not more than eight dollars, which fine shall be levied and made by the like process as other fines imposed by summary proceedings before Justices of the Peace, or such person may be proceeded against by indictment or information as in other cases of misdemeanor, but such conviction shall not interfere with the power of such Justice or any other Justice to take such weapon or cause the same to be taken from such person without his consent and against his will, by such force as may be necessary for that purpose. 7 V. c. 7, s. 15.

Justices of the Peace may disarm persons.

16. Upon reasonable request to any Justice of the Peace to whom any such weapon has been peaceably and quietly delivered as aforesaid, made on the day next after the meeting has finally dispersed, and not before, such weapon shall, if of the value of one dollar or upwards, be returned by such Justice of the Peace to the person from whom the same was received. 7 V. c. 7, s. 16.

Weapons to be returned to parties in certain cases.

17. No such Justice of the Peace shall be held liable to return any such weapon, or make good the value thereof, in case the same by unavoidable accident has been actually destroyed or lost out of the possession of such Justice without his wilful default. 7 V. c. 7, s. 17.

If accidentally lost, &c.

18. Any person convicted of a battery committed within the distance of two miles of the place appointed for the holding of such public meeting, and during any part of the day whereon any such meeting has been appointed to be held, shall be punishable by a fine of not more than one hundred dollars, and imprisonment for not more than three months, or either, in the discretion of the Court, whose duty it may be to pass the sentence of the law upon such person. 7 V. c. 7, s. 17.

Persons guilty of battery within two miles of the meeting to be punished by certain penalties.

19. Except the High Sheriff, Under Sheriff, and Justices of the Peace for the District or County, or the Mayor and High Bailiff and Justices of the Peace for the City or Town respectively in which any such meeting is to be held, and the constables and special constables employed by them, or any of

No one to approach armed within two miles of meeting.

them, for the preservation of the public peace at such meeting, no person shall, during any part of the day upon which such meeting is appointed to be held, come within two miles of the place appointed for such meeting, armed with any offensive weapon of any kind as firearms, swords, staves, bludgeons or the like; and any person who offends against the provisions in this section contained shall be guilty of a misdemeanor, punishable by fine not exceeding one hundred dollars, and imprisonment not exceeding three months, or both, at the discretion of the Court whose duty it may be to pass the sentence of the law upon such person. 7 V. c. 7, s. 18.

Persons guilty  
of lying in  
wait, how to  
be punished.

20. Any person who lies in wait for any person returning, or expected to return, from any such public meeting, with intent to commit an assault upon such person, or with intent, by abusive language, opprobrious epithets or other offensive demeanour directed to, at or against such person, to provoke such person, or those who may accompany him, to a breach of the peace, shall be guilty of a misdemeanor punishable by fine not exceeding two hundred dollars, and imprisonment not exceeding six months, or both, at the discretion of the Court. 7 V. c. 7, s. 19.]

## SCHEDULE "A."

(Section 5.)

TO THE INHABITANTS OF THE COUNTY OF A. (or as the case may be), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOETH OR MAY IN ANYWISE CONCERN :

Whereas I, A. B., Sheriff of, &c., or we, C. D. and E. F., two (or whatever the number may be) of Her Majesty's Justices of the Peace for the County (or District) of A, resident within the said County (or District) having received a requisition, signed by I, J, K, L, &c. &c. (inserting the names of at least twelve of the requisitionists and as many more as conveniently may be, and mentioning the number of the others; thus) and fifty-six (or as the case may be) others, who (or twelve of whom) are freeholders of the said County (or District) (or citizens of the said City) having a right to vote for members to serve in the Legislative Assembly in respect of the property held by them within the said County (or District or City, &c., as the case may be), requesting me (or us) to call a public meeting of (here recite the requisition): And whereas I (or we) have determined to comply with the said requisition :

Now, therefore, I (or we) do hereby appoint the said meeting to be held at (here state the place) on the \_\_\_\_\_ day of \_\_\_\_\_ next (or instant), at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, of which all persons are hereby required to take notice. And whereas the said meeting has been so called by me (or us) in conformity with the provisions of chapter 177 of "The Revised Statutes of Ontario," entitled "An Act respecting Public Meetings," the said meeting, and all persons who attend the same, will therefore be within the protection of the said Act, of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness my hand (or our hands) at \_\_\_\_\_, in  
the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,  
18 \_\_\_\_\_.

A. B., Sheriff,  
or C. D., J.P.  
E. F., J.P.

SCHEDULE "B."

(Section 6.)

TO THE INHABITANTS OF THE COUNTY OF A (*or as the case may be*), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOETH OR MAY IN ANYWISE CONCERN :

Whereas, by information on oath taken before D. E., Esquire, one of Her Majesty's Justices of the Peace for the County of C (*or City or District, or as the case may be*), within which the meeting hereinafter mentioned is appointed to be held, it appears that a Public Meeting of the inhabitants (*or householders, &c., as the case may be*) of the County of G (*or as the case may be*) is appointed to be held at \_\_\_\_\_, in the said County (*or as the case may be*), on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ next (*or instant*), at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon (*or at some other hour on the same day*), and that there is reason to believe that great numbers of persons will be present at such meeting ; and whereas it appears expedient to us C. D. and E. F., two (*or whatever the number may be*) of Her Majesty's Justices of the Peace having jurisdiction within the said County (*or as the case may be*), that, with a view to the more orderly holding of the said meeting, and the better preservation of the public peace at the same, the said meeting, and all persons who may attend the same, should be declared within the protection of chapter 177 of "*The Revised Statutes of Ontario*," entitled "*An Act respecting Public Meetings* :

Now, therefore, in pursuance of the provisions of the said Act, and the authority in us vested by virtue of the same, we, the said Justices, do hereby give notice of the holding of the said meeting, and do hereby declare the said public meeting, and all persons who attend the same, to be within the protection of the said Act.

Of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness our hands at \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

C. D., J. P.  
E. F. J. P.  
&c.

\_\_\_\_\_

## CHAPTER 178.

## An Act to exempt Firemen from certain Local Services.

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Formation of Fire Companies may be authorized, s. 1.	But certificate may be forfeited, s. 3.
And certificates of enrolment granted, s. 2.	Certificate may be granted on seven years service, ss. 4, 5.
Holder exempt from certain services, s. 2.	Exemptions under, s. 6.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Formation of Fire Companies.

1. It shall be in the discretion of the corporate authorities or Boards of Police in any City or Town, or place in which the formation of Companies of Firemen is by law authorized and regulated, or, where there are no such authorities or Board, it shall be in the discretion of the Justices of the Peace of the District or County in which such City or Town is situate, in General Sessions assembled, or the majority of them, to consent to the formation of a Fire Company in such City, Town or place, or to defer the same until circumstances in their opinion render it expedient that such Company should be formed; and they may also, in their discretion, from time to time, discontinue or renew any such Company or Companies. C. S. C. c. 87, s. 3.

Discontinuance or renewal.

Certificated members of such Company to be exempted from serving as jurors, and from certain other offices.

2. Whenever any Company or Companies of Firemen have been regularly enrolled in any such City, Town or place, the corporate authorities, or Board of Police in such City or Town, or the Justices of the Peace for the District or County, or the majority of them, as aforesaid, respectively, being satisfied of the efficiency of such persons and accepting their enrolment, shall direct the Clerk of the Peace for the District or County to grant to each member of such Company a certificate that he is enrolled on the same, which certificate shall exempt the individual named therein, during the period of his enrolment, and his continuance in actual duty as such Fireman, from serving as a juryman or a constable, and from all municipal offices. C. S. C. c. 87 s. 1.

Such exemption may be taken away in case of misconduct on the

3. The corporate authorities or Board of Police in any City or Town, or where there are no such authorities or Board, the Justices of the Peace for the District or County, or the majority of them, at any General or adjourned Sessions, upon complaint



to them made of neglect of duty, by any individual of such Fire Company, shall examine into the same; and for any such cause, and also, in case any individual of such Company is convicted of a breach of any of the rules legally made for the regulation of the same, may strike off the name of any such individual from the list of the Company, and thenceforward the certificate granted to such individual, as aforesaid, shall have no effect in exempting him from any duty or service in the next preceding section of this Act mentioned. C. S. C. c. 87, s. 2.

part of any member of any such Company.

4. When any member of any Company of Firemen, regularly enrolled in any City, Town or place in which the formation of Companies of Firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven consecutive years in the same, the said member shall be entitled to receive, upon producing due proof of his having served seven consecutive years as aforesaid, a certificate from the Clerk of the Peace of the District or County in which he resides, or from the Clerk of the corporate body or Board of Police under whose authority the said Company has been established, that he has been regularly enrolled and served as a member of the said Fire Company for the space of seven years; and such certificate shall exempt the individual named therein from serving as a constable, and from all municipal offices, but this shall not exempt any such Fireman from serving as a jurymen. C. S. C. c. 87, s. 4.

Firemen having served seven years exempted from serving in certain offices.

5. The Municipal Council of any City wherein the formation of Companies of Firemen is by law authorized and regulated, may, by by-law, enact, that when a member of any Company of Firemen regularly enrolled in such City has regularly and faithfully served in such Company for the space and term of seven years consecutively, such member, upon producing due proof of his having so served, shall receive a certificate from the Clerk of the Council of the City or the Clerk of the corporate body under whose authority the Company was established, that he has been regularly enrolled and served as a member of the said Fire Company for the space of seven years. C. S. C. c. 87, s. 5.

Firemen having served seven years entitled to a certificate to that effect.

6. Such certificate shall exempt the individual named therein from the payment of any personal statute labour tax thereafter, and from serving as a juror on the trial of any cause in any Court of Law within this Province. C. S. C. c. 87, s. 6.

Such certificate shall exempt from statute labour tax and from serving as jurors.

[See also, as to exemption of Firemen from jury service, *Rev. Stat. c. 48, s. 7 (31)*; and as to exemption from municipal offices, *Rev. Stat. c. 174, s. 75*.]

## CHAPTER 179.

## An Act respecting the Support of Destitute Insane Persons.

Accounts of moneys for maintaining destitute insane persons to be laid before Grand Jury of General Sessions, s. 1.

Payments for such purposes, s. 2.  
Witnesses may be called before Grand Jury, s. 3.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Clerk of the Peace to lay before the Grand Jury of the General Sessions an account of money necessary for maintaining insane persons.

**1.** The Clerk of the Peace shall once in each year lay before the Grand Jury of the General Sessions of the Peace in each County an account in detail of all sums of money expended during the last preceding twelve months, or necessary to be advanced during the next ensuing twelve months, for the purpose of maintaining and supporting insane destitute persons received into the Gaol of the County, and the said Grand Jury may at such General Sessions present such just and reasonable sum as they in their discretion think necessary for the purpose of maintaining and supporting insane destitute persons, either in the Gaol or some other place within the County, for the year next ensuing the said Sessions; which presentment shall be made once in each year, and in each year the like account in detail of the moneys expended during the past year shall be laid before the Grand Jury as aforesaid. C. S. U. C. c. 122, s. 1.

The sum of money presented to be paid by the Treasurer.

**2.** The Chairman of the General Sessions may, from time to time, issue his warrant for the payment of such sum of money to the amount, but not exceeding the amount, so presented, and such money shall be payable by the Treasurer of the County out of the moneys of the County in his hands and unappropriated, and the account so laid before the Grand Jury from time to time, so far as the same has been approved of, and the said warrant, shall be a sufficient discharge and indemnity to all persons concerned in the expenditure of such sum of money. C. S. U. C. c. 122, s. 2.

Witnesses may be summoned before the Grand Jury.

**3.** The Courts of General Sessions respectively shall from time to time, by writ of subpoena, call before them any person required by the Grand Jury, and shall swear such person in open Court true answer to make to all such questions as may be asked of him by the Grand Jury, touching and concerning insane destitute persons in the County, and their maintenance and support, and every such person shall be examined on the said oath before the Grand Jury. C. S. U. C. c. 122, s. 3.

### 3. *Assessment of Property.*

CHAP. 180.—Assessment of Property, p. 1819.

## CHAPTER 180.

### An Act respecting the Assessment of Property.

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| <p>Preliminary provisions, ss. 1-4.<br/>         Property Liable to Taxation, ss. 5-9.<br/>             Exemptions. s. 6.<br/>         Assessors—<br/>             Appointment of, ss. 10, 11.<br/>             Duties of, s. 12.<br/>         Mode of Assessing—<br/>             Real Property, ss. 13-27.<br/>             Personal Property, ss. 28-36.<br/>             General Provisions, ss. 37-43.<br/>             Special Provisions as to Counties, Cities and Separated Towns, ss. 44-46.<br/>         Appeals—<br/>             To Court of Revision, ss. 47-58.<br/>             To County Judge, ss. 59-66.<br/>             Non-Residents' Appeals, s. 67.<br/>         Equalization of Assessments, ss. 68-75.<br/>         Statute Labour, ss. 76-87.<br/>         Collection of Rates—<br/>             Collector's Roll, ss. 88-90.<br/>             Collectors, duties of, ss. 91-105.<br/>         Annual Lists of Patented Lands, ss. 106, 107.<br/>         Arrears of Taxes—<br/>             Duties of Treasurers, Clerks and Assessors in relation to, ss. 108-126.<br/>             Sale of Lands for Taxes, ss. 127-139.<br/>             Certificate of Sale, Tax Deed, ss. 140-155.<br/>             Deeds on sales for taxes binding unless questioned within two years, s. 156.</p> | <p>Deeds to be valid if sale valid, though statute authorizing sale be repealed, &amp;c., s. 157.<br/>         Rights of entry adverse to tax purchaser in possession not capable of being conveyed, s. 158.<br/>         Where sale void for uncertainty, right of purchaser to improvements, s. 159.<br/>         Option of purchaser to retain land on paying its value, s. 159 (2).<br/>         Value of land or improvements to be paid into Court of Chancery in certain cases, s. 160.<br/>         Right of other persons interested to pay in value if defendant does not, s. 161.<br/>         Lien in such cases, s. 161 (2).<br/>         How owner to obtain sums paid in ss. 162, 163<br/>         Costs in certain cases, s. 164.<br/>         Lien of tax purchaser for purchase money where his title invalid, s. 165.<br/>         Contracts between tax purchaser and original owner continued, s. 166.<br/>         Act not to apply in certain cases, ss. 167, 168.<br/>         Interpretation, s. 169.<br/>         Non-Resident Land Fund, ss. 170-184.<br/>         Arrears of Taxes in Cities and Towns, ss. 185, 186.<br/>         Responsibility of Officers, ss. 187-214.<br/>         Miscellaneous Provisions, ss. 215-217.</p> |
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PRELIMINARY PROVISIONS.

- Short title.      **1** This Act may be cited as "*The Assessment Act*."
- Interpretation clause.      **2.** In this Act
- "Gazette."      (1) "Gazette" shall mean the "*Ontario Gazette* ;"
- "Township."      (2) "Township" shall include a Union of Townships, while such Union continues ;
- "County Council."      (3) "County Council" shall include provisional County Council ;
- "Town." "Village."      (4) "Town" and "Village" shall mean respectively incorporated Town and Village ;
- "Ward."      (5) "Ward," unless so expressed, shall not apply to a Township Ward ;
- "Municipality." "Local Municipality."      (6) "Municipality" or "Local Municipality" shall not include a County unless there is something in the subject or context requiring a different construction. 32 V. c. 36, s. 2.
- "Land." "Real Property." "Real Estate."      (7) "Land," "Real Property," and "Real Estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty. 32 V. c. 36, s. 3.
- "Personal Estate." "Personal Property."      (8) "Personal Estate" and "Personal Property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. 32 V. c. 36, s. 4.
- "Property."      (9) "Property" shall include both real and personal property as above defined. 32 V. c. 36, s. 5.
- Unoccupied lands to be called "Lands of Non-Residents," except, &c.      **3.** Unoccupied land shall be denominated "Lands of Non-Residents," unless the owner thereof has a legal domicile or place of business in the local Municipality where the same is situate, or gives notice in writing, setting forth his full name, place of residence and post office address, to the Clerk of the



Municipality, on or before the thirtieth day of January in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, which notice may be in the form or to the effect of Schedule A to this Act; and the Clerk of the Municipality shall, on or before the first day of February in each year, make up and deliver to the Assessor or Assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them. 32 V. c. 36, s. 6.

4. The real estate of all Railway Companies shall be considered as lands of residents, although the Company has not an office in the Municipality; except in cases where a Company ceases to exercise its corporate powers, through insolvency or other cause. 32 V. c. 36, s. 7.

Real estate of  
Railway Companies,  
&c.

#### PROPERTY LIABLE TO TAXATION.

5. All municipal, local or direct taxes or rates, shall, where no other express provision has been made in this respect, be levied equally upon the whole rateable property, real and personal, of the Municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions. 32 V. c. 36, s. 8.

All taxes to be  
levied equally  
upon the rate-  
able property,  
when no other  
provision  
made.

6. All land and personal property in this Province shall be liable to taxation, subject to the following exemptions, that is to say:

What pro-  
perty liable to  
taxation.

#### *Exemptions.*

(1.) All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for or for the use of any tribe or body of Indians, and either unoccupied, or occupied by some person in an official capacity. 32 V. c. 36, s. 9 (1).

All property  
belonging to  
Her Majesty.

Indian lands  
unoccupied, or  
occupied offi-  
cially.

(2.) Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable. 32 V. c. 36, s. 9 (2).

But if occu-  
pied not offi-  
cially.

(3.) Every place of worship, and land used in connection therewith, church yard or burying ground. 32 V. c. 36, s. 9 (3).  
*See also Rev. Stat. c. 170, s. 13.*

Places of wor-  
ship, &c.

(4.) The buildings and grounds of and attached to every University, College, High School, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by

Public educa-  
tional institu-  
tions.

such institution, or "if unoccupied, but not if otherwise occupied. 32 V. c. 36, s. 9 (4).

Town and  
City halls, &c.

(5.) Every Public School House, Town or City or Township Hall, Court House, Gaol, House of Correction, Lock-up House and Public Hospital, with the land attached thereto, and the personal property belonging to each of them. 32 V. c. 36, s. 9 (5).

Public roads,  
&c.

(6.) Every public road and way or public square. 32 V. c. 36, s. 9 (6).

Municipal  
property.

(7.) The property belonging to any County or local Municipality, whether occupied for the purposes thereof or unoccupied; but not when occupied by any person as tenant or lessee, or otherwise than as a servant or officer of the corporation for the purposes thereof. 32 V. c. 36, s. 9 (7).

Provincial  
Penitentiary

(8.) The Provincial Penitentiary, the Central Prison and the Provincial Reformatory, and the land attached thereto. 32 V. c. 36, s. 9 (8); 34 V. c. 17, s. 34.

Poor houses,  
&c.

(9.) Every Industrial Farm, Poor House, Alms House, Orphan Asylum, House of Industry, and Lunatic Asylum, and every house belonging to a Company for the reformation of offenders, and the real and personal property belonging to or connected with the same. 32 V. c. 36, s. 9 (9).

Scientific in-  
stitutions, &c.

(10.) The property of every Public Library, Mechanics' Institute and other public, literary or scientific institution, and of every Agricultural or Horticultural Society, if actually occupied by such Society. 32 V. c. 36, s. 9 (10).

Personal pro-  
perty of Gov-  
ernors.

(11.) The personal property and official income of the Governor-General of the Dominion of Canada, and the official income of the Lieutenant-Governor of this Province. 32 V. c. 36, s. 9 (11).

Land occupied  
by military or  
naval officers  
and their pay,  
salaries, pen-  
sions, &c.

(12.) The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's regular Army or Navy in actual service, while occupied by them, and the full or half-pay of any one in either of such services; and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial treasury, or elsewhere out of this Province, and the personal property of any person in such Naval or Military services, on full pay, or otherwise in actual service. 32 V. c. 36, s. 9 (12); 33 V. c. 27, s. 1.

Pensions  
under \$200.

(13.) All pensions of two hundred dollars a year and under payable out of the public moneys of the Dominion of Canada, or of this Province. 32 V. c. 36, s. 9 (13.)

Grain, &c., in  
store.

(14.) All grain, cereals, flour, live or dead stock, the produce of the farm or field, in store or warehouse, and at any time owned or held by or in the possession of any person in any Muni-

cipality, such person not being the producer thereof, and being so held, owned or possessed solely for the *bona fide* purpose of being conveyed by water or railway for shipment or sale at some other place. 39 V. c. 33, s. 3.

(15.) The income of a farmer derived from his farm, and the income of merchants, mechanics, or other persons derived from capital liable to assessment. 32 V. c. 36, s. 9 (14); 33 V. c. 27, s. 2. Incomes of farmers, etc.

(16.) So much of the personal property of any person as is invested in mortgage upon land or is due to him on account of the sale of land, the fee or freehold of which is vested in him, or is invested in the debentures of the Dominion of Canada or of this Province, or of any Municipal Corporation thereof, and such debentures. 32 V. c. 36, s. 9 (15). Personal property secured by mortgage, or Provincial or Municipal debentures.

(17.) The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province; but any interest, dividends or income derived from any such shares held by any person resident in this Province shall be deemed to come within and to be liable to assessment under the twenty-eighth section of this Act. 37 V. c. 19, s. 3. Dividends only of Bank Stock to be assessed.

(18.) The stock held by any person in any Railroad Company, the shares in Building Societies, and so much of the personal property of any person as is invested in any Company incorporated for the purpose of lending money on the security of real estate: but the interest and dividends derived from shares in such Building Societies, or from investments in such companies as aforesaid, shall be liable to be assessed. 32 V. c. 36, s. 9 (17); 33 V. c. 27, s. 3. Railroad and Building Society stock.

(19.) All personal property which is owned out of this Province, except as hereinafter provided. 32 V. c. 36, s. 9 (18); 37 V. c. 19, ss. 1 & 2. Personal property owned out of the Province.

(20.) So much of the personal property of any person as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or are unpaid on account of the purchase money therefor. 32 V. c. 36, s. 9 (19). Personal property equal to debts due.

(21.) The net personal property of any person: provided the same is under one hundred dollars in value. 32 V. c. 36, s. 9 (20). Personalty under \$100.

(22.) The annual income of any person: provided the same does not exceed four hundred dollars. 32 V. c. 36, s. 9 (21). Income under \$400.

(23.) The stipend or salary of any clergyman or minister of religion, while in actual connection with any church, and doing duty as such clergyman or minister, to the extent of one Ministers' salaries.

thousand dollars, and the parsonage or dwelling-house occupied by him, with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value. 33 V. c. 27, s. 4.

Rental of real estate, etc.

(24.) Rental or other income derived from real estate, except interest on mortgages. 32 V. c. 36, s. 9 (23).

Household effects, books, etc.

(25.) Household effects of whatever kind, books and wearing apparel. 32 V. c. 36, s. 9 (24).

The case of income exempted from assessment.

7. Where any person derives from some trade, office, calling or profession, an income which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, but if he thinks fit, he may require his name to be entered in the assessment roll for such income, for the purpose of being entitled to vote at elections for the Legislative Assembly and Municipal Councils, and such income shall in such case be liable to taxation like other assessable income or property, and it shall be the duty of the Assessor to enter the name of such person in the assessment roll. 37 V. c. 3, s. 2.

Realty within, but owned out of Ontario to be assessable.

8. All real property situate within but owned out of the Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of this Act. 37 V. c. 19, s. 1.

Personalty in control of agent for non-resident owner assessable.

9. All personal property within the Province in the possession or control of any agent or trustee for or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner and subject to the like exemption as in the case of the other personal property of the like nature under this Act. 37 V. c. 19, s. 2.

#### APPOINTMENT OF ASSESSORS AND COLLECTORS.

(See also *Rev. Stat. c. 174*, ss. 250-253.)

Assessors and collectors to be appointed.

10. The Council of every Municipality, except Counties, shall appoint such number of Assessors and Collectors for the Municipality as they may think necessary. 32 V. c. 36, s. 19.

Municipality may be divided into assessment districts.

11. Such Councils may appoint to such Assessors and Collectors the assessment district or districts within which they shall act, and may prescribe regulations for governing them in the performance of their duties. 32 V. c. 36, s. 20.

#### DUTIES OF ASSESSORS.

Assessment rolls, their form, contents, etc.

12. The Assessor or Assessors shall prepare an assessment roll, in which, after diligent inquiry, he or they shall set down according to the best information to be had—



(1.) The names and surnames in full, if the same can be as- Names of residents.  
 certain, of all taxable persons resident in the Municipality who have taxable property therein, or in the district for which the Assessor has been appointed;

(2.) And of all non-resident owners who have given the Ot non-resi-  
 dents.  
 notice in writing mentioned in section three, and required their names to be entered in the roll.

(3.) The description and extent or amount of property assess- Property assessable.  
 able against each;

(4.) And such particulars in separate columns as follows:— Further parti-  
 culars.

Column 1.—The successive number on the roll.

Column 2.—Name of taxable party.

Column 3.—Occupation.

Column 4.—Statement whether the party is a Freeholder Householder, Tenant, or Farmer's Son, by inserting opposite the name of the party the letter "F," "H," "T," or "F. S." as the case may be.

Column 5.—The age of the assessed party.

Column 6.—Name and address of the owner, where the party named in column two is not the owner.

Column 7.—School section, and whether Public or Separate School Supporter.

Column 8.—Number of concession, name of street, or other designation of the local division in which the real property lies.

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres, or other measure showing the extent of the property.

Column 11.—Number of acres cleared, (*or*, in Cities, Towns or Villages, whether vacant or built upon.)

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income.

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labour (in case of male persons from twenty-one to sixty years of age), and number of days' labour.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.

Column 24.—Number of hogs.

Column 25.—Number of horses.

Column 26.—Date of delivery of notice under section forty-one. 32 V. c. 36, s. 21; 40 V. c. 10, s. 5 (1). See Schedule B.

*Mode of Assessing Real Property.*

Land to be assessed in the municipality or ward.

Personal property.

**13.** Land shall be assessed in the Municipality in which the same lies, and, in the case of Cities and Towns, in the Ward in which the property lies; and this shall include the land of incorporated Companies, as well as other property; and when any business is carried on by a person in a Municipality in which he does not reside, or in two or more Municipalities, the personal property belonging to such person shall be assessed in the Municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner. 32 V. c. 36, s. 22.

When land to be assessed in owner's name.

**14.** Land occupied by the owner shall be assessed in his name. 32 V. c. 36, s. 23.

When land not occupied by the owner, but owner is known.

**15.** As to land not occupied by the owner, but of which the owner is known and, at the time of the assessment being made, resides or has a legal domicile or place of business in the Municipality, or has given the notice mentioned in section three, the same shall be assessed against such owner alone, if the land is unoccupied, or against the owner and occupant, if such occupant is any other person than the owner. 32 V. c. 36, s. 24.

When owner non-resident and unknown.

**16.** If the owner of the land is not resident within the Municipality, but resident within this Province, then, if the land is occupied, it shall be assessed in the name of and against the occupant and owner; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident. 32 V. c. 36, s. 25.

Occupant for non-resident owner may be assessed as owner in certain cases.

**17.** In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land is occupied it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof for the purpose of imposing and collecting taxes upon and from the same land; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner, or the words "*Owner Unknown*," according to the Assessor's knowledge or information. 37 V. c. 19, s. 4.

When land may be assessed as non-resident.

When land assessed against owner and occupant.

**18.** When land is assessed against both the owner and occupant, or owner and tenant, the Assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "H" or "T;" and both names shall be numbered on the roll. 32 V. c. 36, s. 26.

2. No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes ; and the taxes may be recovered from either the owner or occupant or from any future owner or occupant, saving his recourse against any other person. 32 V. c. 36, s. 26.

Ratepayer only to be counted once.

19. When the land is owned or occupied by more persons than one, and all their names are given to the Assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively ; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the Assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others. 32 V. c. 36, s. 27.

When land occupied by more owners than one.

20. Every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following :

Mode of assessing farmers' sons resident on their parents' farm.

1. If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof.

If father living.

2. If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed, in respect of the farm, as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother, and within the meaning of "*The Election Act*."

If father dead and farm owned by the mother.

Rev. Stat. c. 10.

3. Occasional or temporary absence from the farm for a time or times, not exceeding in the whole four months of the twelve months next prior to the return of the roll by the Assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.

4. If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at an election for a member of the Legislative Assembly, or at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give a qualification so to vote.

5. If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification so to vote, then the father shall be the only person entitled to be assessed in respect of such farm. 40 V. c. 9, s. 2.

Farmer's son may require his name to be entered on assessment roll as joint owner.

6. A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant, or occupant. 40 V. c. 9, s. 4

Interpretation.

7. Wherever the following words occur in this section, they shall be interpreted as follows:

"Owner."

(a) "Owner" shall signify proprietor in his own right or in the right of his wife, of an estate for life, or any greater estate, either legal or equitable, except where the proprietor is a widow, and in such latter case the word "owner" shall signify proprietor in her own right of any such estate.

"Farm."

(b) "Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres.

"Son," &c.

(c) "Son," or "sons," or "farmer's son," shall, for the purposes of this Act, mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm.

"Election."

(d) "Election" shall mean an election for a member to the Legislative Assembly of this Province, or to a Municipal Council, as the case may be.

"To vote."

(e) "To vote" shall mean to vote at an election.

"Father."

(f) "Father" shall include step-father. 40 V. c. 9, s. 1.

When tenants may deduct taxes from rent.

21. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary. 32 V. c. 36, s. 28.

Assessor to note non-residents, if required, on the roll.

22. The Assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in column number three, the letters "N. R.," and the address of such freeholder. 32 V. c. 36, s. 29.

How property estimated.

23. Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor. 32 V. c. 36, s. 30.



2. In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. 33 V. c. 27, s. 5. Mineral lands.

**24.** In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in Cities, Towns, or Villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, the Assessors shall value such land as though it was held for farming or gardening purposes, with such per centage added thereto as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the Township in which the same is situated, as the case may be. What shall be deemed vacant land, and how its value shall be calculated in cities, etc.

2. In such case, the number and description of each lot, comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. 32 V. c. 36, s. 31. Assessment thereof.

**25.** When ground is not held for the purposes of sale, but *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the Assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages. 32 V. c. 36, s. 32. When not held for sale, but for gardens, etc.

**26.** Every Railway Company shall annually transmit, on or before the first day of February, to the Clerk of every Municipality in which any part of the roadway or other real property of the Company is situated, a statement showing:— Railway companies to furnish certain statements to clerks of municipalities.

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property, other than the roadway in actual use and occupation by the Company, and its value; and

3. The vacant land not in actual use by the Company, and the value thereof, as if held for farming or gardening purposes;

And the Clerk of the Municipality shall communicate such statement to the Assessor, who shall deliver at, or transmit by post to, any station or office of the Company a notice addressed Duties of clerks thereon

to the Company of the total amount at which he has assessed the real property of the Company in his Municipality or Ward, showing the amount for each description of property mentioned in the above statement of the Company; and such statement and notice respectively shall be held to be the statement and notice required by the thirty-seventh and forty-first sections of this Act. 32 V. c. 36, s. 33.

Proceedings in case of non-resident lands.

**27.** As regards the lands of non-residents who have not required their names to be entered in the roll, the Assessors shall proceed as follows :—

To be inserted in roll separately.

1. They shall insert such land in the roll separated from the other assessments, and shall head the same as "*Non-residents' Land Assessments.*"

When not known to be subdivided into lots.

2. If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

When known to be subdivided into lots.

3. If it is known to be subdivided into lots, or is part of a tract known to be so subdivided, the Assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it shall be sufficiently designated as such by its name or number, but if it is part of a lot, the part shall be designated in some other way whereby it may be known. 32 V. c. 36, s. 34.

#### *Mode of Assessing Personal Property.*

How person deriving income from any trade or profession to be assessed.

**28.** Subject to the provisions of the seventh section, no person deriving an income exceeding four hundred dollars per annum from any trade, calling, office, profession or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past, in excess of the said sum of four hundred dollars, but no deduction shall be made from the gross amount of such income, by reason of any indebtedness, save such as is equal to the annual interest thereof; and such last year's income, in excess of the said sum of four hundred dollars, shall be held to be his net personal property, unless he has other personal property liable to assessment, in which case such excess and other per-

sonal property shall be added together and constitute his personal property liable to assessment. 32 V. c. 36, s. 35.

**29.** The personal property of an incorporated Company shall not be assessed against the Company, but each shareholder shall be assessed for the value of the stock or shares held by him as part of his personal property, unless such stock is exempted by this Act. Personal property of corporate companies not to be assessed.

**2.** In Companies investing their means in gas works, water-works, plank and gravel roads, manufactories, hotels, railways and tram roads, harbours or other works requiring the investment of the whole or principal part of the stock in real estate already assessed for the purpose of carrying on such business, the shareholders shall only be assessed on the income derived from such investment. 32 V. c. 36, s. 36. Gas companies, etc.

**30.** The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm. 32 V. c. 36, s. 37. Personal property of partnerships, how and where to be assessed.

**2.** If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere. 32 V. c. 36, s. 38. As to partnerships having more than one business locality.

**31.** Every person having a farm, shop, factory, office or other place of business where he carries on a trade, profession, or calling, shall, for all personal property owned by him, wheresoever situate, be assessed in the Municipality or Ward where he has such place of business, at the time when the assessment is made. 32 V. c. 36, s. 39. Where parties carrying on trade, etc., to be assessed for personal property.

**2.** If he has two or more such places of business in different Municipalities or Wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or, if this cannot be done, he shall be assessed for part of his personal property at one, and part at another of his places of business; but he shall, in all such cases, produce a certificate at each place of business of the amount of personal property assessed against him elsewhere. 32 V. c. 36, s. 40. When the party has two or more places of business.

When the party has no place of business.

**32.** If any person has no place of business, he shall be assessed at his place of residence. 32 V. c. 36, s. 41.

Salaries, &c., to be assessed at the place where earned.

**33.** Every person who holds any appointment or office of emolument to which an annual salary, gratuity or other compensation is attached, and performs the duties of such appointment or office within a Municipality in which he does not reside, shall be assessed in respect of the amount of such salary, gratuity or other compensation at the place where he performs such duties, and he shall not be assessable therefor at his place of residence, but, if required, shall procure a certificate of being otherwise assessed under the provisions of this section: but this section shall not apply to County municipal officers. 37 V. c. 19, s. 6.

When personalty of non-residents may be assessed against the agent therefor.

**34.** The personal property of a person not resident within this Province, shall be assessed in the name of and against any agent, trustee or other person who is in the control or possession thereof, and shall be deemed to be the individual property of such agent, trustee or other person, for all objects within this Act. 37 V. c. 19, s. 5.

Separate assessment of joint owners or possessors.

**35.** In case of personal property, owned or possessed by or under the control of more than one person resident in the Municipality or Ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only. 32 V. c. 36, s. 43.

Case of executors, etc.

**36.** Personal property in the sole possession or under the sole control of any person as trustee, guardian, executor or administrator, shall be assessed against such person alone. 32 V. c. 36, s. 42.

Parties assessed as trustees, etc., to have their representative character attached to their names.

2. Where a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name, or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the same Municipality are joined with him in such representative character. 32 V. c. 36, s. 44.

#### *General Provisions,*

Particulars respecting real property to be delivered to assessors in writing by the parties to be assessed.

**37.** It shall be the duty of every person assessable for real or personal property in any local Municipality, to give all necessary information to the Assessors, and if required by the Assessor, or by one of the Assessors if there is more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent,) con-



taining all the particulars respecting the real or personal property assessable against such person, which are required in the assessment roll; and if any reasonable doubt is entertained by the Assessor, of the correctness of any information given by the party applied to, the Assessor shall require from him such written statement. 32 V. c. 36, s. 45.

**38.** No such statement shall bind the Assessor, or excuse him from making due inquiry to ascertain its correctness; and, notwithstanding the statement, the Assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the Assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. 32 V. c. 36, s. 46.

Statements given by parties not binding on assessors.

**39.** In case any person fails to deliver to the Assessor the written statement mentioned in the two preceding sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the Assessor, and upon conviction before a Justice of the Peace having jurisdiction within the County wherein the Municipality is situate, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace. 32 V. c. 36, s. 47.

Penalty for not giving statement or making false statement.

**40.** To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, or as possessing the income which entitles him to vote in the Municipality at any election, and the Assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the Assessor to make reasonable enquiries before assessing such person. 39 V. c. 11, s. 28. *See also Rev. Stat. c. 9, s. 29.*

Assessor to make inquiries before assessing persons claiming to be assessed.

**41.** Every Assessor, before the completion of his roll, shall leave for every party named thereon, resident or domiciled, or having a place of business within the Municipality, and shall transmit by post to every non-resident who has required his name to be entered thereon, and furnished his address to the Clerk, a notice of the sum at which his real and personal property has been assessed, according to the form of Schedule B., annexed to this Act, and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission. 32 V. c. 36, s. 48.

Assessors to give notice to parties of the value at which their property assessed.

**42.** Subject to the provisions of the forty-fourth and forty-sixth sections, every Assessor shall begin to make his roll in each year not later than the fifteenth day of February, and

When assessment roll to be completed.

shall complete the same on or before the thirtieth day of April, and shall attach thereto a certificate signed by him, and verified upon oath or affirmation in the form following :

Certificate  
attached to  
roll.

" I do certify that I have set down in the above assessment roll all the  
" real property liable to taxation situate in the Municipality (or Ward) of  
" (as the case may be) and the true actual value thereof in each case, accord-  
" ing to the best of my information and judgment: and also that the said  
" assessment roll contains a true statement of the aggregate amount of  
" the personal property, or of the taxable income, of every party named  
" on the said roll; and that I have estimated and set down the same  
" according to the best of my information and belief; and I further cer-  
" tify, that I have entered thereon the names of all the resident house-  
" holders, tenants and freeholders, and of all other persons who have  
" required their names to be entered thereon, with the true amount of  
" property occupied or owned, or of income received by each, and that  
" I have not entered the name of any person whom I do not truly believe  
" to be a householder, tenant or freeholder, or the *bona fide* occupier or  
" owner of the property, or in receipt of the income set down opposite his  
" name, for his own use and benefit; and that the date of delivery or  
" transmitting the notice, required by section forty-one of "*The Assess-  
" ment Act*" in every case truly and correctly stated in the said roll;  
" and I further certify and swear (or affirm, as the case may be) that I  
" have not entered the name of any person at too low a rate in order to  
" deprive such person of a vote, or at too high a rate in order to give such  
" person a vote, or for any other reason whatever; and that the amount  
" for which each such person is assessed upon the said roll truly and  
" correctly appears in the said notice delivered or transmitted to him as  
" aforesaid."

32 V. c. 36, s. 49; 36 V. c. 2, s. 4; 37 V. c. 19, s. 8,  
40 V. c. 8, s. 55.

Assessment  
rolls to be de-  
livered to  
clerks of muni-  
cipalities, etc.

43. Every Assessor shall, on or before the first day of May, deliver to the Clerk of the Municipality such assessment roll, completed and added up, with the certificates and affidavits attached; and the Clerk shall immediately upon the receipt of the roll, file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the householders, tenants, freeholders and income voters resident, owning or in possession of property, or in receipt of incomes in the Municipality. 32 V. c. 36, s. 50; 37 V. c. 19, s. 8.

*Special provisions relating to Counties, Cities, Towns and Villages.*

Time for  
taking the as-  
sessment and  
revising the  
rolls in cities,  
&c.

41. In Cities and Towns separate from the County, the Council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the Court of Revision, and by the County Judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment between the first day of July and the thirtieth day of September, the rolls being returnable in such case to the City or Town Clerk on the first day of October; and in such case the time for closing the Court of Revision shall be the fifteenth day of November, and for final return by the Judge of the County Court the

thirty-first day of December; and the assessment so made and concluded may be adopted by the Council of the following year as the assessment on which the rate of taxation for said following year shall be levied, and in the year following the passing of the by-law, the Council may adopt the assessment of the preceding year as the basis of the assessment of that year. 39 V. c. 33, s. 1 (2).

**45.** In Cities, Towns and incorporated Villages, the Council may further pass by-laws for making the taxes payable to the Treasurer by instalments; and may in such case impose an additional per centage, now applicable to default of taxes if paid in bulk, on default in any of the instalments in which the same may be made payable. 39 V. c. 33, s. 1. (3)

Payment of  
taxes by  
instalments.

**46.** County Councils may pass by-laws for taking the assessment in Towns, Townships and incorporated Villages, between the first day of February and the first day of July.

County Council  
may pass  
by-laws for  
regulating the  
taking of as-  
sessment, &c.

2. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and for final return by the Judge of the County, twelve weeks from that day. 39 V. c. 33, s. 2.

#### COURT OF REVISION.

**47.** If the Council of the Municipality consists of not more than five members, such five members shall be the Court of Revision for the Municipality. 32 V. c. 36, s. 51.

When council  
consists of five  
members only.

**48.** If the Council consists of more than five members, such Council shall appoint five of its members to be the Court of Revision. 32 V. c. 36, s. 52.

When of more  
than five.

**49.** Every member of the Court of Revision, before entering upon his duties, shall take and subscribe, before the Clerk of the Municipality, the following oath (or affirmation in cases where by law affirmation is allowed):—

Oath of mem-  
bers of Court  
of Revision.

“ I , do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision which may be brought before me for trial as a member of said Court.”

37 V. c. 19, s. 9.

**50.** Three members of the Court of Revision shall be a quorum; and a majority of a quorum may decide all questions before the Court. 32 V. c. 36, c. 53.

**51.** The Clerk of the Municipality shall be Clerk of the Court, and shall record the proceedings thereof. 32 V. c. 36, s. 54.

Who to be  
Clerk.

Meetings of Court.

When first meeting of the Court to be held.

**52.** The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head of the Municipality; but the first sitting of the Court of Revision shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the Clerk of the Municipality. 32 V. c. 36, s. 55; 37 V. c. 19, s. 11.

Court to try all complaints, etc.

**53.** At the times or time appointed, the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. 32 V. c. 36, s. 58.

May administer oaths, etc.

**54.** The Court, or some member thereof, may administer an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such Court. 32 V. c. 36, s. 56; 37 V. c. 19, s. 15. *See also sec. 56 (16.)*

Penalty to witnesses who refuse to attend.

**55.** If any person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty of twenty dollars, to be recoverable, with costs, by and to the use of any person suing for the same, either by suit in the proper Division Court, or in any way in which penalties incurred under any by-law of the Municipality may be recovered. 37 V. c. 19, s. 10.

### *Proceeding for the Trial of Complaints.*

Notice of complaint by party aggrieved.

**56.** Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the roll, or as having been undercharged or overcharged by the Assessor in the roll, may personally or by his agent give notice in writing to the Clerk of the Municipality, (or Assessment Commissioner, if any there be), that he considers himself aggrieved for any or all of the causes aforesaid. 32 V. c. 36, s. 60 (1); 36 V. c. 48, s. 200.

Time within which notices of appeal to the Court are to be given.

2. The notice shall be given to the Clerk (or Assessment Commissioner, if any there be) within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose. 37 V. c. 19, s. 12.

When elector thinks any person assessed at too low or too high a rate.

3. If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, he may within the time limited by the preceding sub-section give notice in writing to the Clerk of the Municipality, (or Assessment Commissioner, as the case may be) and the Clerk shall give notice to such person



and to the Assessor of the time when the matter will be tried by the Court of Revision ; and the matter shall be decided in the same manner as complaints by a person assessed. 32 V. c. 36, s. 60 (2) ; 37 V. c. 19, s. 12 ; 36 V. c. 48, s. 200.

4. The Clerk of the Court shall post up in some convenient and public place within the Municipality or Ward a list of all complainants, on their own behalf, against the Assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints ; and no alteration shall be made in the roll, unless under a complaint formally made according to the above provisions. 32 V. c. 36, s. 60 (3).

5. The Clerk of the Court shall enter the appeals on the list in the order in which they are received by him, and the Court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal. 37 V. c. 19, s. 14.

Clerk to give notice by posting up list.

Order of hearing appeals.

Postponement.

6. Such list may be in the following form :—

Form of list of appeals.

Appeals to be heard at the Court of Revision, to be held at  
on the                      day of                      18 .

Appellant.	Respecting whom.	Matter complained of.
A. B. ....	Self .....	Overcharged on land.
C. D. ....	E. F. ....	Name omitted.
G. H. ....	J. K. ....	Not <i>bona fide</i> owner or occupant.
L. M. ....	N. O. ....	Personal property undercharged.
&c.	&c.	

32 V. c. 36, s. 60 (5).

7. The Clerk shall also advertise in some newspaper published in the Municipality, or, if there be no such paper, then in some newspaper published in the nearest Municipality in which one is published, the time at which the Court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings. 32 V. c. 36, s. 60 (6) ; 37 V. c. 19, s. 11.

Clerk to advertise sittings of Court

8. The Clerk shall also cause to be left at the residence of each Assessor, a list of all the complaints respecting his roll. 32 V. c. 36, s. 60 (7).

to leave a list with assessor

9. The Clerk shall prepare a notice in the form following for each person with respect to whom a complaint has been made :

and prepare notice to person complained against.

“ Take notice, that you are required to attend the Court of Revision Form.

at                      on the                      day of                      in the matter of the  
following appeal :

“Appellant,

G. H.

“Subject—That you are not a *bona fide* owner or occupant, (or as the case may be.)

“(Signed)

X. Y.,

“To J. K.

Clerk.”

32 V. c. 36, s. 60 (8.)

Service to be  
at residence.

10. If the person resides or has a place of business in the local Municipality, the Clerk shall cause the notice to be left at the person's residence or place of business. 32 V. c. 36, s. 60 (9.)

How absentees  
served.

11. If the person is not known, then the notice shall be left with some grown person on the assessed premises, if there is any such person there resident; or if the person is not resident in the Municipality, then the notice shall be addressed to such person through the post office. 32 V. c. 36, s. 60 (10.)

When notice  
to be com-  
pleted.

12. Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sittings of the Court. 32 V. c. 36, s. 60 (11.)

Clerk may re-  
quire assist-  
ance in making  
services.

Power to ad-  
journ.

13. Where necessary, the Clerk of the Municipality may, at the cost of the Municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make; and in the event of his failure to effect any such services in time for the first sitting of the Court, the Court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day. 37 V. c. 19, s. 13.

Proceedings  
when party  
assessed com-  
plains of over-  
charge on per-  
sonal prop-  
erty, etc.

Effect of de-  
claration by  
each party.

14. If the party assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court, and make a declaration, in case the complainant appears in person, in the form of Schedule C. D. or E. to this Act, according to the fact; and if the complainant appears by agent, such agent may make the declaration in the form of Schedule F. G. or H., as the case may be; and no abatement shall be made from the amount of income on account of debts due, nor from the value of personal property, other than income in respect of debts, except debts due for or on account of such personal property; and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income as is specified in such declaration, unless such Court is dissatisfied with the declaration, in which case the party making the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by such Court, respecting the correctness of such declaration; and such Court shall confirm, alter or amend the roll as the evidence seems to warrant. 32 V. c. 36, s. 60 (12.)

15. In other cases, the Court, after hearing the complainant, and the Assessor or Assessors, and any witness adduced, and, if deemed desirable, the party complained against, shall determine the matter, and confirm or amend the roll accordingly. 32 V. c. 36, s. 60 (13).

Proceedings  
in other cases

16. It shall not be necessary to hear upon oath the complainant or Assessor, or the party complained against, unless where the Court deems it necessary or proper, or the evidence of the party is tendered on his own behalf or required by the opposite party. 37 V. c. 19, s. 15.

Oaths of cer-  
tain parties  
not necessary.

17. If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*. 32 V. c. 36, s. 60 (14).

When to pro-  
ceed *ex parte*.

18. Where it appears that there are palpable errors which need correction, the Court may extend the time for making complaints ten days further, and may then meet and determine the additional matter complained of, and the Assessor may, for such purpose, be the complainant. 32 V. c. 36, s. 60 (4).

Extension of  
time for com-  
plaints,

19. Subject to the provisions of the forty-fourth and forty-sixth sections, all the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court, before the first day of July in every year—except in the Municipality of Shuniah, in which Municipality all the duties of the Court of Revision which relate to the matters aforesaid shall be completed, and the rolls finally revised, by the Court, before the fifteenth day of July in every year. 32 V. c. 36, s. 59; 37 V. c. 19, s. 11; 40 V. c. 31, s. 9.

and to finish  
business by  
July 1st.

Proviso as to  
Shuniah.

57. The roll, as finally passed by the Court, and certified by the Clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or mis-statement in the notice required by section forty-one of this Act, or the omission to deliver or transmit such notice. 40 V. c. 8, s. 56.

Roll to be  
binding, not-  
withstanding  
errors in it or  
in notice sent  
to persons as-  
sessed.

58. The Court shall also, before or after the first day of July, and with or without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes, or who, by reason of any gross and manifest error in the roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged; and the Court may, subject to the provisions of any by-law in this behalf, remit or reduce the taxes due by any such person,

Further pow-  
ers granted to  
Court of Re-  
vision for re-  
mitting or re-  
ducing taxes.

or reject the petition ; and the Council of any local Municipality may, from time to time, make such by-laws, and repeal or amend the same. 32 V. c. 36, s. 62.

#### APPEALS FROM THE COURT OF REVISION.

Appeal from  
Court of Re-  
vision.

**59.** An appeal to the County Judge shall lie, not only against a decision of the Court of Revision on an appeal to said Court, but also against the omission, neglect or refusal of said Court to hear or decide an appeal.

Service of  
notice of  
appeal.

2. The person appealing shall, in person or by his attorney or agent, serve upon the Clerk of the Municipality (or Assessment Commissioner, if any there be), within five days after the date herein limited for closing the Court of Revision, a written notice of his intention to appeal to the County Judge—except in the Municipality of Shuniah, in which Municipality the notice shall be given within ten days after the first day of August in every year.

Proviso as to  
Shuniah.

Day for hear-  
ing.

3. The Judge shall notify the Clerk of the day he appoints for hearing appeals.

Clerk to notify  
parties.

4. The Clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint under the fifty-sixth section of this Act; but in the event of failure by the Clerk to have the required service in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

List of appel-  
lants, &c., to  
be posted up  
by clerk.

5. The Clerk of the Municipality shall cause a conspicuous notice to be posted up in his office, or the place where the Council of the Municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear appeals.

Clerk of  
Court.

6. The Clerk of the Municipality shall be the Clerk of such Court.

Hearing and  
adjournment.

7. At the Court so holden, the Judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all the appeals may be determined before the first day of August—except in the Municipality of Shuniah (in which Municipality all such appeals shall be determined before the fifteenth day of September in every year), and except in the cases provided for in sections forty-four and forty-six. 37 V. c. 19, s. 16; 40 V. c. 31, s. 10.

Proviso as to  
Shuniah, &c.

Assessment  
roll to be pro-  
duced to the

**60.** At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll



Court, and  
amended, etc.

### Amendments how certified.

Powers of  
Judge sitting  
in appeal from  
Court of Re-  
vision.

\_\_\_\_\_, Appellant,  
and  
\_\_\_\_\_, Respondent,

Costs to be apportioned by the Judge, and how enforced.

What costs chargeable.

where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder. 37 V. c. 19, s. 19.

Decision of  
County Judge  
to be final.

**65.** The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated, and the Clerk of the Municipality shall amend the rolls accordingly. 32 V. c. 36, s. 69.

Copy of roll to  
be transmitted  
to county  
clerk.

**66.** When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the Clerk of the Municipality shall, without delay, transmit to the County Clerk a certified copy thereof. 32 V. c. 36, s. 70.

#### NON-RESIDENTS' APPEALS.

Appeals with  
respect to non-  
residents'  
lands.

**67.** In case any non-resident, whose land within the limits of any City, Town, incorporated Village or Township, has been assessed in any revised and corrected assessment roll, complains by petition to the proper Municipal Council, at any time before the first day of May in the year next following that in which the assessment is made, such Council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint; and all decisions of Municipal Councils under this Act may be appealed from, tried and decided, as provided by the fifty-ninth and following sections of this Act; and if the lands are found to have been assessed twenty-five per centum higher than similar land belonging to residents, the Council or Judge shall order the taxes rated on such excess to be struck off; and, in all such cases, where the land has been subdivided into park, village or town lots, if the same are owned by the same person or persons, the statute labour tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no roll shall be amended, under this section of this Act, if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of the fifty-sixth to sixty-sixth sections of this Act. 32 V. c. 36, s. 64.

Lots subdivi-  
ded not to  
affect rolls  
revised and  
corrected.

#### EQUALIZATION OF ASSESSMENTS.

Annual exam-  
ination of as-  
sessment rolls  
by municipal  
councils, and  
for what pur-  
pose.

**68.** The Council of every County shall, yearly, before imposing any County rate, and except as provided by sections forty-four and forty-six, not later than the first day of July, examine the assessment rolls of the different Townships, Towns and Villages in the County, for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each Township, Town or Village for the current year, bears a just relation to the valuation so made in all such Townships, Towns and Villages, and may, for the purpose of County rates, increase or decrease the aggregate valuations of real and personal property in any Township, Town or Village.

adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between the valuations of real and personal estate in the County; but they shall not reduce the aggregate valuation thereof for the whole County as made by the Assessors. 32 V. c. 36, s. 71 (1).

2. If any local Municipality is dissatisfied with the action of any County Council in increasing or decreasing or refusing to increase or decrease the valuation of any Municipality, the Municipality so dissatisfied may appeal from the decision of the Council to the Judge of the County Court of the County at any time within ten days after such decision, by giving to the Judge and the Clerk of the County Council a notice in writing, under the seal of the Municipality, of such appeal; and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may, at such Court, proceed to hear and determine the matter of appeal, or adjourn the hearing thereof, from time to time; but except as provided in sections forty-four and forty-six, the same shall not be adjourned or judgment deferred beyond the first day of August next after notice of the appeal; and the Judge shall equalize the whole assessment of the County. 32 V. c. 36, s. 71 (3); 37 V. c. 19, s. 23.

Local municipality may appeal.

Proviso.

**69.** If the Clerk of the Municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not prevent the County Council from equalizing the valuations in the several Municipalities according to the best information obtainable; and any rate imposed, according to the equalized assessment, shall be as valid as if all the assessment rolls had been transmitted. 32 V. c. 36, s. 72.

Effect of clerk of municipality omitting to send copy of roll.

**70.** In cases where valuers are appointed by the Council to value all the real and personal property within the County, they shall attest their report by oath or affirmation in the same manner as Assessors are required to verify their rolls by the one hundred and tenth section of this Act. 32 V. c. 36, s. 73.

Valuers to attest their report on oath.

**71.** The Council of a County, in apportioning a County rate among the different Townships, Towns and Villages within the County, shall, in order that the same may be assessed equally on the whole rateable property of the County, make the amount of property returned on the assessment rolls of such Townships, Towns and Villages, or reported by the valuers as finally revised and equalized for the preceding year, the basis upon which the apportionment is made. 32 V. c. 36, s. 74.

Apportionment of county rates, how to be based.

**72.** Where a new Municipality is erected within a County, so that there are no assessment or valuers' rolls of the new Municipality for the next preceding year, the County Council shall, by examining the rolls of the former Municipality or

Case of new municipalities.

Municipalities of which the new Municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the Municipality or Municipalities had relation to the new Municipality, and what part should continue to be accounted as the assessment of the original Municipality, and their several shares of the County tax shall be apportioned between them accordingly. 32 V. c. 36, s. 75.

County councils to apportion sums required for county purposes.

**73.** Where a sum is to be levied for County purposes, or by the County for the purposes of a particular locality, the Council of the County shall ascertain, and, by by-law, direct what portion of such sum shall be levied in each Township, Town or Village in such County or locality. 32 V. c. 36, s. 76.

County Clerk to certify amounts to clerks of local municipalities.

**74.** Subject to the provisions of sections forty-four and forty-six the County Clerk shall, before the fifteenth day of August in each year, certify to the Clerk of each Municipality in the County, the total amount which has been so directed to be levied therein for the then current year, for County purposes, or for the purposes of any such locality; and the Clerk of the Municipality shall calculate and insert the same in the Collector's roll for that year. 32 V. c. 36, s. 77.

Act not to affect provisions for rates to raise interest on county debentures.

**75.** Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on County debentures, whether such provisions are contained in any Municipal Corporations Act heretofore or still in force in this Province, or in any Act respecting the Consolidated Municipal Loan Fund in Ontario or in any general or special Act authorizing the issue of debentures, or in any by-law of the County Council providing for the issue of the same. 32 V. c. 36, s. 78.

#### STATUTE LABOUR.

Certain persons in military service exempt.

**76.** No person in Her Majesty's Naval or Military Service on full pay, or on actual service, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. 40 V. c. 27, s. 1. (*Firemen exempted in certain cases.* See *Rev. Stat. c. 178, s. 6.*)

Who liable, and in what ratio, in cities, towns and villages.

**77.** Every other male inhabitant of a City, Town or Village of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour), who has not been assessed upon the assessment roll of the City, Town or Village, or whose taxes do not amount to two dollars, shall, instead of such labour, be taxed at two dollars yearly therefor, to be levied and collected at such time, by such person, and in such manner as the Coun-



cil of the Municipality may, by by-law, direct, and such inhabitant shall not be required to have any property qualification. 32 V. c. 36, s. 80.

**78.** No person shall be exempt from the tax in the last preceding section named, unless he produces a certificate of his having performed statute labour or paid the tax elsewhere. 32 V. c. 36, s. 81.

Where to be performed.

**79.** Every male inhabitant of a Township, between the ages aforesaid, who is not otherwise assessed, and who is not exempt by law from performing statute labour, shall be liable to two days of statute labour on the roads and highways in the Township, and no Council shall have any power to reduce the statute labour required under this section. 32 V. c. 36, s. 82.

Liability of persons not otherwise assessed in townships.

**80.** Every person assessed upon the assessment roll of a Township shall, if his property is assessed at not more than three hundred dollars, be liable to two days' statute labour; at more than three hundred dollars, but not more than five hundred dollars, three days; at more than five hundred dollars, but not more than seven hundred dollars, four days; at more than seven hundred dollars, but not more than nine hundred dollars, five days; and for every three hundred dollars over nine hundred dollars or any fractional part thereof over one hundred and fifty dollars, one additional day; but the Council of any Township, by a by-law operating generally and rateably, may reduce or increase the number of days' labour to which all the parties, rated on the assessment roll or otherwise, shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed. 32 V. c. 36, s. 83 (1).

Ratio of service in case of persons assessed.

Council may reduce or increase the number of days proportionately.

2. In Townships where farm lots have been subdivided into park or village lots, and the owners are not resident, and have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the Township Clerk, in making out the list required under the ninetieth section of this Act, where such lots are under the value of two hundred dollars, to a rate not exceeding one half per centum on the valuation; but the Council may direct a less rate to be imposed by a general by-law affecting such village lots. 32 V. c. 36, s. 83 (2).

Lots subdivided as park lots, etc.

**81.** The Council of any Township may, by by-law, direct that a sum not exceeding one dollar a day shall be paid as commutation of statute labour, in which case the commutation tax shall be added in a separate column in the Collector's roll, and shall be collected and accounted for like other taxes. 32 V. c. 36, s. 84; 34 V. c. 28, s. 2; 40 V. c. 7, *Sched. A* (188).

Commutation may be at \$1 per day.

Commutation  
may be fixed  
at any sum not  
exceeding \$1.

**82.** Any local Municipal Council may, by a by-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding one dollar for each day's labour, and the sum so fixed shall apply equally to residents who are subject to statute labour, and to non-residents in respect to their property. 32 V. c. 36, s. 85.

If no by-law,  
commutation  
to be at \$1.

**83.** Where no such by-law has been passed, the statute labour in Townships, in respect of lands of non residents, shall be commuted at the rate of one dollar for each day's labour. 32 V. c. 36, s. 86; 34 V. c. 28, s. 3; 40 V. c. 7, *Sched. A* (189).

Farmers' sons.

**84.** Every farmer's son rated and entered as such on the assessment roll of any Municipality, shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor, as if he were not so rated and assessed. 40 V. c. 9, s. 7; c. 10, s. 5 (2).

Payment of  
tax in lieu of  
statute labour  
may be en-  
forced by dis-  
tress or im-  
prisonment.

**85.** Any person liable to pay the sum named in the seventy-seventh section, or any sum for statute labour commuted under the eighty-first section of this Act, shall pay the same to the Collector to be appointed to collect the same, within two days after demand thereof by the said Collector; and in case of neglect or refusal to pay the same, the Collector may levy the same by distress of goods and chattels of the defaulter, with costs of the distress; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the County in which the local Municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of five dollars with costs, and, in default of payment at such time as the convicting Justice shall order, shall be committed to the Common Gaol of the County, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

2. Any person liable to perform statute labour under the seventy-ninth section of this Act not commuted, shall perform the same when required so to do by the Pathmaster or other officer of the Municipality appointed for the purpose; and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of five dollars, and upon summary conviction thereof before a Justice of the Peace aforesaid, such Justice shall order the same, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there is no sufficient distress, such offender may be committed to the Common Gaol of the County and there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of com-

mitment and of conveying the said person to gaol are sooner paid.

3. All sums and penalties, other than costs, recovered under this section, shall be paid to the Treasurer of the local Municipality, and form part of the Statute Labour Fund thereof. 32 V. c. 36, s. 87; and see *Rev. Stat. c. 185, s. 7.*

86. No non-resident who has not required his name to be entered on the roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value; and, in all cases in which the statute labour of a non-resident is paid in money, the Municipal Council shall order the same to be expended in the statute labour division where the property is situate, or where the said statute labour tax is levied. 32 V. c. 36, s. 88.

Non-residents when not admitted to perform statute labour.

87. In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour or pay commutation for the same, the Overseer of the Highways in whose division he is placed shall return him as a defaulter to the Clerk of the Municipality, before the fifteenth day of August, and the Clerk shall in that case, enter the commutation for statute labour against his name in the Collector's roll; and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

When non-residents admitted, but do not perform statute labour.

Amount of non-residents' statute labour.

2. Whenever one person is assessed for lots or parts of several lots in one Municipality, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner; but every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the Municipal Council. 32 V. c. 36, s. 89; 33 V. c. 27, s. 6.

Proviso.

#### COLLECTION OF RATES.

88. The Clerk of every local Municipality shall make a Collector's roll or rolls as may be necessary, containing columns for all information required by this Act, to be entered by the Collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and, opposite the said assessed value as therein described of each respective person, he shall set down in one column to be headed "*County Rates*," the amount for which the person is chargeable for any sums ordered to be levied by the Council of the County

Clerks of municipalities to make out collectors' rolls; their form, contents, etc.

for County purposes, and in another column to be headed "*Township Rate*," "*Village Rate*," "*Town Rate*" or "*City Rate*," as the case may be, the amount with which the person is chargeable in respect of sums ordered to be levied by the Council of the local Municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately; and every such last-mentioned rate shall be calculated separately, and the column therefor headed "*Special Rate*," "*Local Rate*," "*Public School Rate*," "*Separate School Rate*," or "*Special Rate for School Debts*," as the case may be. 32 V. c. 36, s. 90; 40 V. c. 16, s. 13 (2, 4 b.)

Provincial taxes to be assessed and collected in same manner as local rates.

**89.** All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the Collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate; and the Clerk shall deliver the roll, certified under his hand, to the Collector, on or before the first day of October, or such other day as may be prescribed by a by-law of the local Municipality. 32 V. c. 36, s. 91.

Clerk to make out rolls of lands of non-residents whose names not in assessment rolls, etc.

**90.** The Clerk of every local Municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the Assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls; and he shall enter opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the Collector's roll, and shall transmit the roll so made out, certified under his hand, to the Treasurer of the County in which his Municipality is situate, or to the Treasurer of the City or Town, as the case may be, on or before the first day of November. 32 V. c. 36, s. 92; 40 V. c. 7, *Sched. A* (190).

#### COLLECTORS AND THEIR DUTIES.

Duties of collectors.

**91.** The Collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned. 32 V. c. 36, s. 93.

To demand payment of rates.

**92.** He shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local Municipality in and for which such Collector has been appointed, and shall demand payment of the taxes



payable by such person, and shall, at the time of such demand, enter the date thereof on his collection roll opposite the name of the person taxed; and such entry shall be *prima facie* evidence of such demand. 32 V. c. 36, s. 94.

**93.** In case any person neglects to pay his taxes for fourteen days after such demand as aforesaid, the Collector may, by himself or by his agent, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the County in which the local Municipality lies, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; and the costs chargeable shall be those payable to bailiffs under "*The Division Courts Act.*" 32 V. c. 36, s. 95.

When payment is not made, collectors to levy the tax by distress and sale.

Rev. Stat. c. 47.

**94.** If any person whose name appears on the roll is not resident within the Municipality, the Collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter the date thereof on the roll opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof. 32 V. c. 36, s. 96.

Proceedings in case of non-residents.

**95.** In case of the land of non-residents, who have required their names to be entered on the roll, the Collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been so transmitted by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof. 32 V. c. 36, s. 97.

When Collectors may distrain for rates on non-residents' land.

**96.** The Collector shall, by advertisement posted up in at least three public places in the Township, Village or Ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale, and of the name of the person whose property is to be sold; and, at the time named in the notice, the Collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. 32 V. c. 36, s. 98.

Public notice of sale to be given, and in what manner.

**97.** If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the

Surplus, if unclaimed, to be paid to party in whose possession the goods were;

person in whose possession the property was when the distress was made. 32 V. c. 36, s. 99.

or to admitted claimant.

**98.** If any such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. 32 V. c. 36, s. 100.

When the right to such surplus contested.

**99.** If the claim is contested, such surplus money shall be paid over by the Collector to the Treasurer of the local Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise. 32 V. c. 36, s. 101.

Taxes not otherwise recoverable to be recovered by action.

**100.** If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local Municipality, in which case the production of a copy of so much of the Collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the Clerk of the local Municipality, shall be *prima facie* evidence of the debt. 32 V. c. 36, s. 102.

Collector to return his roll and pay over proceeds by the day to be appointed by Council.

**101.** On or before the fourteenth day of December in every year, or on such day in the next year not later than the first February, as the Council of the Municipality may appoint, every Collector shall return his roll to the Treasurer, and shall pay over the amount payable to such Treasurer, specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the Treasurer that the date of the demand of payment and transmission of statement and demand of taxes, required by sections ninety-two and ninety-four in each case, has been truly stated by him in the roll. 32 V. c. 36, s. 103; 33 V. c. 27, s. 7.

Other persons may be employed to collect taxes which Collector does not collect by a certain day.

**102.** In case the Collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the Council of the City, Town, Village or Township may, by resolution, authorize the Collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with the powers provided by law for the general levy and collection of taxes.

2. No such resolution or authority shall alter or affect the duty of the Collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the Collector or his sureties. 32 V. c. 36, s. 104.

Proceedings when taxes are unpaid, and cannot be collected.

**103.** If any of the taxes mentioned in the Collector's roll remain unpaid, and the Collector is not able to collect the same, he shall deliver to the Treasurer of his Municipality an account of all the taxes remaining due on the roll; and, in such

account, the Collector shall show, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words "*Non-Resident*" or "*Not sufficient property to distrain,*" or "*Instructed by Council not to collect,*" as the case may be. 32 V. c. 36, s. 105; 40 V. c. 7, *Sched. A* (191).

**104.** Upon making oath before the Treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the Collector shall be credited with the amount not realized. 32 V. c. 36, s. 106.

When thus not collected, collectors to be credited with amount.

**105.** The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it. 32 V. c. 36, s. 107.

Taxes to be a lien upon land.

#### YEARLY LISTS OF LANDS GRANTED BY THE CROWN.

**106.** The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the Treasurer of every County a list of all the land within the County located as free grants, sold or agreed to be sold by the Crown, or leased, or in respect of which a license of occupation issued during the preceding year. 32 V. c. 36, s. 108 *See also Rev. Stat. c. 23, s. 36.*

Annual lists of lands granted, etc., to be furnished by Commissioner of Crown Lands.

**107.** The County Treasurer shall furnish to the Clerk of each local Municipality in the County a copy of the said lists, so far as regards lands in such Municipality, and such Clerk shall furnish the Assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such Assessor's assessment district. 32 V. c. 36, s. 109.

County treasurers to furnish copies of lists to clerks of municipalities.

#### ARREARS OF TAXES.

*Duties of Treasurers, Clerks and Assessors in relation thereto.*

**108.** The Treasurer of every County shall furnish to the Clerk of each Municipality, except Cities and Towns, in the County, and the Treasurer of every City and Town shall furnish to the Clerk of his Municipality, a list of all the lands in his Municipality in respect of which any taxes have been in arrear for the three years next preceding the first day of January in any year; and the said list shall be so furnished on or before the first day of February in every year, and shall be headed in the words following: "*List of lands liable to be sold for ar-*

County treasurer to furnish local clerks with lists of lands three years in arrears for taxes.

*“rears of taxes in the year one thousand eight hundred and ;”* and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a Collector's roll until some month in the year later than the month of January. 32 V. c. 36, s. 110 ; 40 V. c. 7, *Sched. A* (192).

Local clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

**109.** The Clerk of the Municipality is hereby required to keep the said list, so furnished by the Treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the Assessor or Assessors of the Municipality, in each year, as soon as such Assessor or Assessors are appointed, a copy of such list ; and it shall be the duty of the Assessor or Assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known whether resident within the Municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words *“Occupied and Parties Notified,”* or *“Not Occupied,”* as the case may be ; and all such lists shall be signed by the Assessor or Assessors and returned to the Clerk with the assessment roll, together with a memorandum of any error discovered therein, and the Clerk shall file the same in his office for public use ; and every such list, or copy thereof, shall be received in any Court as evidence in any case arising concerning the assessment of such lands. 32 V. c. 36, s. 111 ; 33 V. c. 27, s. 9 ; 40 V. c. 7 *Sched. A* (193). *And see post*, s. 185.

Lists to be evidence.

Assessor's certificate.

**110.** The Assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following :—

*“I do certify that I have examined all the lots in this list named ; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known ; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.”*

32 V. c. 36, s. 112.

Local clerks to certify lands which have become occupied.

**111.** The Clerk of each Municipality shall examine the assessment roll when returned by the Assessor, and ascertain whether any lot embraced in the said list last received by him from the Treasurer pursuant to the one hundred and eighth section, is entered upon the roll of the year as then occupied, or is incorrectly described ; and shall forthwith furnish to the said Treasurer a list of the several parcels of land which appear on the resident roll as having become occupied, or which have been returned by the Assessor as incorrectly described.



2. Except in the cases provided for by sections forty-four and forty-six, on or before the first day of July in the then current year, the County Treasurer shall return to the Clerk of each local Municipality other than a City or Town, and every City or Town Treasurer shall return to the Clerk of the City or Town, an account of all arrears of taxes due in respect of such occupied lands, including the per-centage chargeable under section one hundred and twenty-four of this Act.

County Treasurer to certify taxes due on them.

3. The Clerk of each Municipality shall, in making out the Collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year; and such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the Collector's roll. 32 V. c. 36, s. 113; 40 V. c. 7, *Sched. A* (193 & 194).

Clerk to insert such amount on Collector's roll.

**112.** If there is not sufficient distress upon any of the occupied lands, in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well for the arrears as for the taxes of the current year, the Collector shall so return it in his roll to the Treasurer of the Municipality, showing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. 32 V. c. 36, s. 114.

When there is not sufficient distress on such lands.

**113.** The Treasurer of every Township and Village shall, within fourteen days after the time appointed for the return and final settlement of the Collector's roll, and before the eighth day of April in every year, furnish the County Treasurer with a statement of all unpaid taxes and school rates directed in the said Collector's roll or by School Trustees to be collected.

Statement of arrears to be returned by local Treasurer, and when.

2. Such return shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section one hundred and nine of this Act, and generally such other information as the County Treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the Municipality for that year; and the County Treasurer shall not be bound to receive any such statement after the eighth day of April in each year. 32 V. c. 36, s. 115; 40 V. c. 7, *Sched. A* (195).

**114.** In case it is found by the statement directed by the last preceding section to be made to the County Treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by the one hundred and eleventh section of this Act to be placed on the Collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the County Treasurer, under the provisions of the one hundred and twenty-seventh section of this Act, not-

Liability of lands to sale if arrears are not paid, and when.

withstanding that the same may be occupied in the year when such sale takes place; and such arrears shall not again be placed upon the Collector's roll for collection. 32 V. c. 36, s. 116.

Penalty on Clerks and Assessors neglecting duties under preceding sections.

**115.** If the Clerk of any Municipality neglects to preserve the said list of lands in arrears for taxes, furnished to him by the Treasurer, in pursuance to the one hundred and eighth section, or to furnish copies of such lists, as required, to the Assessor or Assessors, or neglects to return to the Treasurer a correct list of the lands which have come to be occupied, as required by the one hundred and eleventh section of this Act, and a statement of the balances which remain uncollected on any such lots, as required by the one hundred and twelfth section of this Act; or if any Assessor or Assessors neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every officer making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the County in which such Municipality is situated, be liable to the penalties imposed by sections one hundred and eighty nine, one hundred and ninety and one hundred and ninety-one of this Act; all fines so imposed shall be recoverable by distress and sale of any goods and chattels of the party making default. 32 V. c. 36, s. 117; 40 V. c. 7, *Sched. A* (196).

How to be levied.

After return of roll who to receive taxes.

**116.** After the Collector's roll has been returned to the Treasurer of a Township or Village, and before such Treasurer has furnished the statement to the County Treasurer, mentioned in section one hundred and thirteen, arrears of taxes may be paid to such local Treasurer; but after the said statement has been referred to the County Treasurer, no more money on account of the arrears then due shall be received by any officer of the Municipality to which the roll relates. 32 V. c. 36, s. 118.

After statement under sec. 113, collection of arrears to belong to County Treasurer only.

2. The collection of the arrears shall thenceforth belong to the Treasurer of the County alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section one hundred and eighty-six of this Act. 32 V. c. 36, s. 119 (1).

Municipalities may remit taxes due on non-residents' lands.

**117.** Any local Municipality may, by by-law, remit, either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such Municipality, specifying the particular lands upon which the remission is made; and, upon the passing of such by-law, it shall be the duty of the Clerk forthwith to transmit a copy of the by-law to the Treasurer or other officer having the collection of such arrears, who shall then collect only so much of said taxes as are not remitted. 32 V. c. 36, s. 119 (2).

**118.** The Treasurer shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder; and the Treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrear for taxes, into as many parts as the necessities of the case may require. 32 V. c. 36, s. 120.

The whole amount to be paid at once, unless the land is subdivided.

**119.** The Treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and, for every additional ten lots, a further fee of twenty cents; but the Treasurer shall not make any charge for search to any person who forthwith pays the taxes. 32 V. c. 36, s. 121.

If demanded, Treasurer to give a written statement of arrears.

**120.** The Treasurer of every County shall keep a separate book for each Township and Village, in which he shall enter all the lands in the Municipality on which it appears from the returns made to him by the Clerk and from the Collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the first day of May in every year, complete and balance his book by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. 32 V. c. 36, s. 122.

Lands on which taxes unpaid to be entered in certain books by Treasurer.

**121.** If, at the yearly settlement to be made on the first day of May, it appears to the Treasurer that any land liable to assessment has not been assessed, he shall report the same to the Clerk of the Municipality; thereupon, or if it comes to the knowledge of the Clerk in any other manner that such land has not been assessed, the Clerk shall, under the direction of the Council, enter such land on the Collector's roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year; and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the Clerk shall require the Assessor or Assessors for the current year to value such lands; and it shall be the duty of the Assessor or Assessors to value such lands when required, and certify the valuation in writing to the Clerk; and the owners of such lands shall have the right to appeal to the Council at its next or some

Proceedings where any land is found not to have been assessed in any year.

How land to be valued.

Appeal from valuation.

subsequent meeting after the taxes thereon have been demanded, but within fourteen days after such demand, which demand shall be made before the tenth day of November ; and the Council shall hear and determine such appeal on some day not later than the first day of December. 32 V. c. 36, s. 123 ; 40 V. c. 7, *Sched. A* (197).

Treasurer to  
correct errors.

**122.** The County Treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the Clerk of any Municipality. 32 V. c. 36, s. 124 (1).

As to pretend-  
ed receipts,  
etc.

**123.** If any person produces to the Treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a Collector, School Trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the Clerk of the Municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. 32 V. c. 36, s. 124 (2).

Ten per cent.  
to be added to  
arrears yearly.

**124.** If, at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the Treasurer shall add to the whole amount then due ten per centum thereon. 32 V. c. 36, s. 125.

When there is  
distress upon  
lands of non-  
residents,  
Treasurer may  
authorize col-  
lector to levy.

**125.** Wherever the County Treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in a Township or Village Municipality, he may issue a warrant under his hand and seal to the Collector of such Municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in the sections ninety three to section ninety-nine inclusive of this Act, with respect to distresses made by Collectors. 32 V. c. 36, s. 126 ; 40 V. c. 7, *Sched. A*. (198).

From what  
period unpa-  
tented lands  
shall be liable  
to taxation.

**126.** Unpatented land vested in or held by Her Majesty which may be hereafter sold, or agreed to be sold, to any person, or which may be located as a free grant, shall be liable to taxation from the date of such sale or grant ; and any such land which has been already sold, or agreed to be sold, to any person, or has been located as a free grant, prior to the first day of January, one thousand eight hundred and sixty-three, shall be held to have been liable to taxation since the first day of January, one thousand eight hundred and sixty-three ; and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or is or is not issued, and, in case of sale, or agreement for sale by the Crown, whether any payment has or has not been, or is or is not made thereon, and whether any part of the purchase money is or is not over-



due and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such lands. 32 V. c. 36, s. 127. Rights of the Crown saved.

#### SALE OF LANDS FOR TAXES.

**127.** Wherever a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the Treasurer of the County shall, unless otherwise directed by a by-law of the County Council, submit to the Warden of such County a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the Warden shall authenticate each of such lists by affixing thereto the seal of the Corporation and his signature, and one of such lists shall be deposited with the Clerk of the County, and the other shall be returned to the Treasurer, with a warrant thereto annexed, under the hand of the Warden and the seal of the County, commanding him to levy upon the land for the arrears due thereon, with his costs. 32 V. c. 36, s. 128. When lands to be sold for taxes.  
Arrears due for three years to be levied by warrant of Warden to Treasurer.

**128.** The Council of a County, City or Town shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose. 32 V. c. 36, s. 129; 40 V. c. 7, *Sched. A* (199). Council may extend time for payment.

**129.** It shall not be the duty of the Treasurer to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. 32 V. c. 36, s. 130, *first part*. Treasurer's duty on receiving warrant to sell.

**130.** The Treasurer shall not sell any lands which have not been included in the lists furnished by him to the Clerks of the several Municipalities in the month of February preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of the one hundred and eleventh section of this Act, except the lands, the arrears for which had been placed on the collection roll of the preceding year and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands. 32 V. c. 36, s. 131. What lands only the Treasurer shall sell.

**131.** The County Treasurer shall prepare a copy of the list of lands to be sold, required by section one hundred and twenty-seven of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatedented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published within the County, and, in the case of a County Treasurer to prepare list of lands to be sold and advertise in Gazette.

Union of Counties, in each County of the Union, if there be one published in each County, and if not, in such County or Counties of the Union in which a newspaper is published, or, if none be so published, in some other newspaper published in some adjoining County. 32 V. c. 36, s. 132; 33 V. c. 27, s. 11.

**132.** Where a Junior County is separated from a Union of Counties after a return is made to the Treasurer of the United Counties of lands in arrear for taxes, but such lands have not been advertised for sale by the Treasurer of the United Counties, or Senior County, such Treasurer shall return to the Treasurer of the Junior County a list of all the lands within the Junior County returned as in arrear for taxes, and not advertised; and the Treasurer and Warden of the Junior County shall have power respectively to take all the proceedings which Treasurers and Wardens, under this Act, can take for the sale and conveyance of lands in arrear for taxes; but, in case the lands in such Junior County have been advertised by the Treasurer of the United Counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place. 32 V. c. 36, s. 132 (-).

**133.** The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the Treasurer will proceed to sell the lands for the taxes, on a day and at a place named in the advertisement. 32 V. c. 36, s. 133.

**134.** The day of sale shall be more than ninety-one days after the first publication of the list. 32 V. c. 36, s. 134.

**135.** The Treasurer shall also post a notice similar to the said advertisement, in some convenient and public place at the Court-House of the County, at least three weeks before the time of sale. 32 V. c. 36, s. 135.

**136.** The Treasurer shall, in each case, add to the arrears published his commission and the costs of publication. 32 V. c. 33, s. 136.

**137.** If, at any time appointed for the sale of the lands, no bidders appear, the Treasurer may adjourn the sale from time to time. 32 V. c. 36, s. 137.

**138.** If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the Treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first; and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to

Proceedings when lands in arrear for taxes in Junior County separated from Union of Counties.

Notice to be given in such advertisement.

Time of sale

Notice to be posted up.

Expenses added to arrears.

Adjourning sale, if no bidders.

Mode in which the lands shall be sold by the Treasurer.

say that he will sell so much of the lot as may be necessary to secure the payment of the taxes due; and the amount of taxes stated in the Treasurer's advertisement shall, in all cases, be held to be the correct amount due. 32 V. c. 36, s. 138 (1); 40 V. c. 7, *Sched. A.* (200).

2. If the Treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local Municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the County Treasurer of the full amount of taxes due, together with the expenses of sale; and the Treasurer shall account to the local Municipality for the full amount of taxes paid. 33 V. c. 27, s. 8.

When land does not sell for full amount of taxes.

**138.** If the Treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee or locatee, and it shall be so distinctly expressed in the conveyance to be made by the Treasurer and Warden, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands. 32 V. c. 36, s. 139.

When Treasurer sells land the fee of which is in Crown, he shall only sell the interest of lessee, etc.

**139.** If the purchaser of any parcel of land fails immediately to pay to the Treasurer the amount of the purchase money, the Treasurer shall forthwith again put up the property for sale. 32 V. c. 36, s. 140.

When purchaser fails to pay purchase money.

*Certificate of Sale—Tax Deed.*

**140.** The Treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to the one hundred and thirty-seventh and one hundred and thirty-eighth sections of this Act, will be executed by the Treasurer and Warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed. 32 V. c. 36, s. 141.

Treasurer selling to give purchaser a certificate of land sold.

Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.

**141.** The purchaser shall, on the receipt of the Treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Proviso.

**2.** The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. 32 V. c. 36, s. 142.

Effect of tender of arrears etc.

**142.** From the time of a tender to the Treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question. 32 V. c. 36, s. 143.

Treasurer's commission.

**143.** Every Treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him as aforesaid. 32 V. c. 36, s. 144.

Fees, etc., on sales of land.

**144.** Wherever land is sold by a Treasurer, according to the provisions of the one hundred and thirty-first and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. 32 V. c. 36, s. 145.

Expenses of search in Registry Office for description, etc.

**145.** The Treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot, then by such a general description as may enable a Surveyor to lay off the piece sold on the ground; and he may make search, if necessary, in the Registry Office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a Surveyor's description of such lots, to be taken from the Registry Office or the Government maps, where a full description cannot otherwise be obtained, such Surveyor's fee not to exceed one dollar; and the charge so incurred shall be included in the account and paid by the purchaser of the land sold, or the party redeeming the same. 32 V. c. 36, s. 146.

Treasurer entitled to no other fees.

**146.** Except as before provided, the Treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. 32 V. c. 36, s. 147.

Owners may, within one year, redeem

**147.** The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, admin-



istrators or assigns, or any other person, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the County Treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per centum thereon; and the Treasurer shall give to the party paying such redemption money, a receipt stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption. 32 V. c. 36, s. 148.

**148.** If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of one dollar, the Treasurer shall prepare and execute with the Warden, and deliver to him or them, a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser. 32 V. c. 36, s. 149.

**149.** The words "Treasurer" and "Warden" in the foregoing section shall mean the persons who at the time of the execution of the deed in such section mentioned hold the said offices. 37 V. c. 19, s. 7.

**150.** The deed shall be in the form or to the same effect as in Schedule K to this Act, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section one hundred and forty five of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a license of occupation." 32 V. c. 36, s. 150; 34 V. c. 28, s. 4.

**151.** The deed shall be registered in the Registry Office of the Registration Division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under such sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed from the Warden and Treasurer. 31 V. c. 20, s. 58. *See also Rev. Stat. c. 111, s. 76.*

2. The Registrar or Deputy Registrar upon production of the duplicate deed, shall enter the same in the Registry book, and give a certificate of such entry and registration in accordance with "*The Registry Act.*" 32 V. c. 36, s. 151.

Registration of deeds.  
Rev. Stat. c. 111.

On what certificate Registrar to register Sheriff's deeds of lands sold for taxes before 1851.

**152.** As respects land sold for taxes before the first day of January, one thousand eight hundred and fifty-one, on the receipt by the Registrar of the proper County or place, of a certificate of the sale to the purchaser under the hand and seal of office of the Sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the Sheriff's conveyance to the purchaser, his heirs, executors administrators or assigns, and on production of the conveyance from the Sheriff to the purchaser, his heirs, executors, administrators or assigns, such Registrar shall register any Sheriff's deed of land sold for taxes before the first day of January, one thousand eight hundred and fifty-one; and the mode of such registry shall be the entering on record a transcript of such deed of conveyance. 32 V. c. 36, s. 152.

Sheriff to give certificate of execution of conveyances since January 1st, 1851, and before 1st January, 1866, for registration.

**153.** As respects land sold for taxes since the first day of January, one thousand eight hundred and fifty-one, and prior to the first of January, one thousand eight hundred and sixty-six, the Sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned; and such certificate, for the purpose of registration in the Registry Office of the proper Registration Division of any deed of lands so sold for taxes shall be deemed a memorial thereof; and the deed shall be registered; and a certificate of the registry thereof shall be granted by the Registrar on production to him of the deed and certificate, without further proof; and the Registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. 32 V. c. 36, s. 153.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

**154.** The Treasurer shall enter in a book, which the County Council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of Collectors' rolls and other documents relating to non-resident lands, be by him kept among the records of the County. 32 V. c. 36, s. 154.

Deed to be binding on all, if land not redeemed in one year.  
32 V. c. 36 (D).

**155.** If any tax in respect of any lands sold by the Treasurer, in pursuance of and under the authority of "*The Assessment Act of 1869*" or of this Act, has been due for the third year or more years preceding the sale thereof, and the same is not redeemed in one year after the said sale, such sale and the official deed to the purchaser of any such lands (provided the sale be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them—it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of three years, or redeem

the same within one year after the Treasurer's sale thereof.  
32 V. c. 36, s. 130. *See ss. 140, 147, 148.*

**156.** Wherever lands are sold for arrears of taxes, and the Treasurer has given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold within two years from the time of sale. 32 V. c. 36, s. 155.

Deed valid against all parties, if not questioned within a certain time

**157.** In all cases where lands have been validly sold for taxes, the conveyance by the Treasurer who made the sale, or his successors in office, shall not be invalid by reason of the statute under the authority whereof such sale was made having been repealed at and before the time of such conveyance, or by reason of the Treasurer who made the sale having gone out of office. 33 V. c. 23, s. 5.

Certain Treasurer's deeds not to be invalid, if the sale is valid.

**158.** In all cases where lands are sold for arrears of taxes, whether such sale is or is not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, the fifth section of *The Act respecting the Transfer of Real Property* shall not apply, to the end and intent that in such cases the right or title of persons claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and the second, fourth and sixth sections of the statute passed in the thirty-second year of the reign of King Henry the Eighth, and chaptered nine, be revived, and the same are and shall continue to be revived. 33 V. c. 23, s. 6.

Rights of entry adverse to tax-purchaser in possession not to be conveyed.  
Rev. Stat. c. 98, s. 5.

Common Law and 32 H. viii. c. 9, ss. 2, 4 & 6, revived.

**159.** In all cases, (not being within any of the exceptions and provisions of sub-section three to this section), where lands having been legally liable to be assessed for taxes, are sold as for arrears of taxes, and such sale or the conveyance consequent thereon is invalid by reason of uncertain or insufficient designation or description of the lands assessed, sold or conveyed, and the right or title of the tax purchaser is not valid, and the tax purchaser has entered on the lands so liable to assessment or any part thereof, and has improved the same, then in case an action of ejectment is brought against such tax purchaser and he is liable to be ejected by reason of the invalidity of such sale or conveyance, the Judge of Assize before whom such action is tried shall direct the jury to assess, or shall himself (if the case be tried without a jury), assess damages for the defendant for the amount of the purchase money at such sale and interest thereon, and of all taxes paid in respect of the lands since the sale by the tax purchaser and interest thereon, and of any loss to be sustained in consequence of any improvements made before the commencement of such action by the defendant, and all persons through or under whom he claims, less all just allowances for the net

Where sale or conveyance void for uncertainty, and purchaser has improved, the value of the land and improvements, &c., to be assessed, and

value of any timber sold off the land, and all other just allowances to the plaintiff, and shall assess the value of the land to be recovered.

The plaintiff to pay for improvements, etc., unless tax purchaser elects to retain the land on paying its value.

2. If a verdict is found for the plaintiff, no writ of possession shall issue until the plaintiff has paid into Court for the defendant the amount of such damages: or, if the defendant desires to retain the land, he may retain it, on paying into Court, on or before the fourth day of the ensuing Term, or on or before any subsequent day to be appointed by the Court, the value of the land as assessed at the trial; after which payment, no writ of possession shall issue, but the plaintiff on filing in Court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in. 33 V. c. 23, s. 9.

Section not to apply -

if taxes paid before sale;

if land were redeemed;

in cases of fraud.

3. This section shall not apply in the following cases:—

(a.) If the taxes for non-payment whereof the lands were sold have been fully paid before the sale.

(b.) If, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to redemption of the lands.

(c.) Where on the ground of fraud or evil practice by the purchaser at any such sale, a Court would grant equitable relief. 33 V. c. 23, ss. 9 & 1.

When the owner is not tenant in fee, the value of the land to be paid into Chancery.

**160.** In any of the cases named in the one hundred and fifty-ninth section wherein the plaintiff is not tenant in fee simple or fee tail, the payment into Court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the Court of Chancery, and the plaintiff and all parties entitled to and interested in the said lands, as against the purchase at such sale for taxes, on filing in the Court of Chancery a sufficient release and conveyance to the defendant of their respective rights and interests to the land, shall be entitled to the money so paid in in such proportions and shares as to the Court of Chancery, regarding the interests of the various parties, seems proper.

When the defendant is not tenant in fee, the value of improvements, etc., to be paid into Chancery.

2. In any of such cases wherein the defendant is not tenant in fee simple or fee tail, then the payment of damages into Court to be made as aforesaid by the plaintiff, shall be into the Court of Chancery. 33 V. c. 23, s. 10.

Any other person interested may pay in value assessed if defendant does not

**161.** If the defendant does not pay into the Court wherein such action is brought, the value of the land assessed as aforesaid, on or before the fourth day of the said Term, or on or before such subsequent day as may be appointed by the Court, then any other person interested in the lands under the sale or convey-



ance for taxes may, before the end of the said Term, or before the expiry of ninety days from any subsequent day to be appointed by the Court for payment by the defendant, pay into Court the said value of the lands; and till the expiration of the time within which such payment may be made, and after such payment no writ of possession shall issue.

2. The defendant, or other person so paying in shall be entitled as against all others interested in the lands under the sale or conveyance for taxes, to a lien on the lands for such amount as exceeds the proportionate value of his interest in the lands, enforceable in such manner and in such shares and proportions as to the Court of Chancery, regarding the interests of the various parties, and on hearing the parties, seems fit. 33 V. c. 23, s. 10.

The payer to have a lien for such proportion as exceeds his interest.

**162.** In case the defendant or any other person interested pays into Court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in Court a sufficient release and conveyance to the party so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such party, to secure his lien as aforesaid. 33 V. c. 23, s. 10.

How the owner can obtain the value of the land paid in.

**163.** If the said value of the lands is not paid into Court as above provided, then the amount of the damages paid into the Court of Chancery shall be paid out to the various persons, who, if the sale for taxes were valid would be entitled to the lands, in such shares and proportions as to the Court of Chancery, regarding the interests of the various parties, seems fit. 33 V. c. 23, s. 10.

How the value of improvements, etc., paid in can be obtained.

**164.** In all actions of ejectment in which both the plaintiff (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such ejectment or to his attorney named on the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession would surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as the value of the land, and that the said defendant did not intend at the trial to contest the title of the plaintiff; and if the jury, or the Judge, if there be no jury, before whom such action of ejectment is tried, assess damages for the defendant as provided in the five next preceding sections, and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or obtain damages, the Judge before whom such action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plain-

Provision as to costs in cases where value of the land and improvements, etc., only in question.

tiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

2. If on the trial it is found that such notice was not given as aforesaid, or if the Judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the said land), that the value of the land is greater than the amount mentioned in the said notice, or that he has omitted to pay into Court the amount mentioned in the said notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land mentioned in such notice, then in any such case the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; and upon the trial of any cause after such notice no evidence shall be required to be produced in proof of the title of the plaintiff. 33 V. c. 23, s. 11.

Tax-purchaser without a remedy whose title is invalid to have a lien on the land for purchase money, etc.

**165.** In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at such sale, and interest thereon at the rate of ten per centum per annum, and for the amount of all taxes paid by him or them since such sale and interest thereon at the rate aforesaid, to be enforced against the lands in such proportions as regards the various owners, and in such manner as the Court of Chancery thinks proper. 33 V. c. 23, s. 13.

Contracts between tax purchaser and original owner continued.

**166.** No valid contract entered into between any tax purchaser and original owner, in regard to any lands sold or assumed to have been sold for arrears of taxes, as to purchase, lease, or otherwise, shall be annulled or interfered with by this Act, but such contract shall remain in force, and all consequences thereof, at Law or in Equity, as to admission of title or otherwise, as if this Act had not been passed. 33 V. c. 23, s. 12.

Secs. 157 166 not to apply where the owner has occupied since sale.

**167.** Nothing in the ten next preceding sections of this Act contained shall affect the right or title of the owner of any lands sold as for arrears of taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the same have since the sale been in the occupation of such owner, or of those claiming through or under him. 33 V. c. 23, s. 7.

Other Acts remedial to purchasers continued.

**168.** Nothing in the eleven next preceding sections of this Act contained shall prejudice the right or title which any purchaser at any sale for taxes, or any one claiming through or under him, has heretofore acquired or hereafter acquires under any other statute. 33 V. c. 23, s. 8.

**169.** In the construction of the twelve next preceding sections of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sales of lands for taxes in arrear, and shall include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who, at the time of such sale, was legally interested in or entitled to the land sold, or assumed to be sold, and all persons claiming through or under him. 33 V. c. 23, s. 14,

Construction of "Tax purchaser," "Original owner"

#### NON-RESIDENT LAND FUND.

**170.** The Council may, by by-law, direct that all the moneys received by the County Treasurer on account of taxes on non-resident lands, shall be paid at stated periods to the several local Municipalities to which such taxes were due, or shall constitute a distinct and separate fund to be called the "Non-resident Land Fund" of the County. 32 V. c. 36, s. 156.

The Non-resident Land Fund.

2. In the absence of any such by-law, the County Treasurer shall pay over to the local Treasurer all such moneys when so collected. 33 V. c. 27, s. 10.

If no such Fund.

**171.** The Treasurer shall, when such fund has been created, open an account for each local Municipality with the said fund. 32 V. c. 36, s. 157.

Treasurer to open an account therefor.

**172** If two or more local Municipalities, having been united for municipal purposes, are afterwards disunited, or if a Municipality or part of a Municipality is afterwards added to or detached from any County, or to or from any other Municipality, the Treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the Municipality within which the land after such alteration is situate, and, if a Union of Counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the Provisional Council of the Junior County, shall be returned to and collected by the Treasurer of the United Counties, and not by the Provisional Treasurer; and the Treasurer of the United Counties shall open an account forthwith for the Junior County with the Non-resident Land Fund. 32 V. c. 36, s. 158.

Municipalities united and afterwards disunited, etc.

When any union about to be dissolved.

**173.** In cases where a new Municipality is formed partly, from two or more Municipalities situate in different Counties, the collection of non-resident taxes due at the time of formation shall remain in the hands of the Treasurers of the respective Counties formerly having jurisdiction over the respective portions of territory forming the new Municipality;

New municipalities partly in one county and partly in another.

and the respective Treasurers shall keep separate accounts of such moneys and pay the same to the new Municipality ; and where a new Municipality is formed from two or more Municipalities situate in any one County, the Treasurer shall, in like manner, keep a separate account for such new Municipality. 32 V. c. 36, s. 159.

All arrears to form one charge upon lands subject to them, &c.

**174.** The Treasurer of the County shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. 32 V. c. 36, s. 160.

Deficiencies in certain taxes to be supplied by municipality.

**175.** Every local Municipal Council, in paying over any school or local rate, or its share of any County rate, or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the funds of the Municipality, any deficiency arising from the non-payment of the taxes, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect, the tax on personal property other than for County rates. 32 V. c. 36, s. 161 ; 40 V. c. 7, *Sched. A.* (201).

Money from Non-resident Land Fund, how appropriated.

**176.** All sums which may at any time be paid to a Municipality out of the Non-resident Land Fund of the County, shall form part of the general funds of such Municipality. 32 V. c. 36, s. 162.

Debentures may be issued on the credit of Non-resident Land Fund.

**177.** The Council of the County may, from time to time, by by-law, authorize the Warden to issue, under the corporate seal, upon the credit of the Non-resident Land Fund, debentures payable not later than eight years after the date thereof and for sums not less than one hundred dollars each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the County, together with such other sums as may be in the Treasurer's hands, or otherwise invested to the credit of the said fund ; and all debentures issued by the County shall be in the exclusive custody of the Treasurer, who shall be responsible for their safety until their proceeds are deposited with him. 32 V. c. 36, s. 163.

Who to have charge of them.

By whom to be negotiated.

**178.** Such debentures shall be negotiated by the Warden and Treasurer of the County, and the proceeds shall be paid into the said Fund, and the interest on the said debentures, and the principal when due, shall be payable out of such Fund : but the purchaser of any such debentures shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof. 32 V. c. 36, s. 164.

Proviso.

Provision for payment of

**179.** If at any time there is not in the Non-resident Land Fund, where such Fund has been created, money sufficient



to pay the interest upon a debenture or to redeem the same when due, such interest or debenture shall be payable out of the general County funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other County debentures. 32 V. c. 36, s. 165.

**180.** The Council of the County may from time to time pass by-laws apportioning the surplus moneys in the Non-resident Land Fund amongst the Municipalities rateably, according to the moneys received and arrears due on account of the non-resident lands in each Municipality; but such apportionment shall always be so limited that the debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the Fund. 32 V. c. 36, s. 166.

such debentures.

Surplus of the Non-resident Land Fund to be divided among municipalities.

**181.** The Treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the Fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof as the County Council by law may direct. 32 V. c. 36, s. 167.

Treasurer's percentage salary, how paid.

**182.** The County Treasurer shall prepare and submit to the County Council, at its first session in January in each year, a report, certified by the Auditors, of the state of the Non-resident Land Fund. 32 V. c. 36, s. 168.

Annual statements of fund to be submitted to councils.

**183.** The said report shall contain an account of all the moneys received and expended during the year ending on the thirty-first of December next preceding, distinguishing the sums received on account of, and paid to, the several Municipalities, and received and paid on account of interest or debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due, distinguishing those due in every Municipality; and the amount due on lands then advertised for sale, or which by law may be advertised, during the ensuing year. 32 V. c. 36, s. 169.

What it shall show.

**184.** The Warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Lieutenant-Governor. 32 V. c. 36, s. 170.

Copy to be transmitted to Provincial Secretary.

#### ARREARS OF TAXES IN CITIES AND TOWNS.

**185.** In Cities and Towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other Municipalities; and for such purposes the municipal officers of Cities and Towns shall perform the same duties as the like officers in other Municipalities; and the Treasurer and Mayor of every City or Town shall, for such

Collection of arrears of taxes in cities and towns.

purposes, also perform the like duties as are hereinbefore, in the case of other Municipalities, imposed on the County Treasurer and Warden respectively. 32 V. c. 36, s. 171 & 111, *last part*. See *ante* s. 109.

County treasurers, etc., to keep triplicate blank receipt books.

**186.** The Treasurer of every County, City and Town shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the County, City or Town Clerk the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the Clerk at least every three months; and the County, City or Town Clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the Auditors shall examine and audit such books and accounts at least once in every twelve months. 32 V. c. 36, s. 172.

Audit of books, etc.

#### RESPONSIBILITY OF OFFICERS.

Security by treasurers and collectors.

**187.** Every Treasurer and Collector, before entering on the duties of his office, shall enter into a bond to the Corporation of the Municipality for the faithful performance of his duties. 32 V. c. 36, s. 173.

Bond with sureties.

**188.** Such bond shall be given by the officer and two or more sufficient sureties, in such sum and such manner as the Council of the Municipality by any by-law in that behalf requires, and shall conform to all the provisions of such by-law. 32 V. c. 36, s. 174.

Penalty on assessors or clerks failing to perform their duty, and how enforced.

**189.** If any Treasurer, Assessor, Clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the County in which he is Treasurer, Assessor, Clerk or other officer, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding one hundred dollars. 32 V. c. 36, s. 175.

Other assessors may act, for those in default.

**190.** If an Assessor neglects or omits to perform his duties, the other Assessor, or other Assessors (if there be more than one for the same locality), or one of such Assessors, shall, until a new appointment, perform the duties, and shall certify upon his or their assessment roll the name of the delinquent Assessor, and also, if he or they know it, the cause of the delinquency; and any Council may, after an Assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the Assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office. 32 V. c. 36, s. 176.

**191.** If any Clerk, Treasurer, Assessor or Collector, acting under this Act, makes any unjust or fraudulent assessment or collection, or copy of any Assessor's or Collector's roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, in the Common Gaol of the County or City for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. 32 V. c. 36, s. 177.

Punishment of Clerks, Assessors, etc., making fraudulent assessments, etc.

**192.** Proof, to the satisfaction of the jury, that any real property was assessed by the Assessor at an actual value greater or less than its true actual value by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent. 32 V. c. 36, s. 178.

What shall be evidence of fraudulent assessments.

**193.** An Assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both by fine and imprisonment, allowed by this Act. 32 V. c. 36, s. 179.

Punishment of culpable assessors.

**194.** With reference to "*The Jurors' Act*," if any Assessor of any Township, Village or Ward, except in the cases provided for by sections forty-four and forty-six of this Act, neglects or omits to make out and complete his assessment roll for the Township, Village or Ward, and to return the same to the Clerk of such Township or Village, or of the City or Town in which such Ward is situated, or to the proper officer or place of deposit of such roll, on or before the first day of September of the year for which he is Assessor, every such Assessor so offending shall forfeit for every such offence the sum of two hundred dollars, one moiety thereof to the use of the Municipality, and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction by action of debt or information; but nothing herein contained shall be constructed to relieve any Assessor from the obligation of returning his assessment roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly. 32 V. c. 36, s. 180. See also *Rev. Stat.* c. 48, s. 169 (3.)

Penalty for not making and completing assessment rolls by the proper time.

Rev. Stat. c. 48.

Not to impair any other liability.

**195.** If a Collector refuses or neglects to pay to the proper Treasurer, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the Treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the Sheriff of the County or City (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the Collector

Proceedings for compelling collectors to pay over moneys collected to the proper treasurer.

and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the Treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. 32 V. c. 36, s. 181.

Warrant to be delivered to Sheriff, etc.

**196.** The said Treasurer shall immediately deliver the said warrant to the Sheriff of the County, as the case may require. 32 V. c. 36, s. 182.

Sheriff, etc., to execute it, and pay money levied.

**197.** The Sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the Treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record. 32 V. c. 36, s. 183.

Mode of compelling Sheriff, etc., to pay over.

**198.** If a Sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the Treasurer may, upon affidavit of the facts, apply in a summary manner to either of the Superior Courts of Law in Term time, or to any Judge of either Court in Vacation, for a rule or summons calling on the Sheriff to answer the matter of the affidavit. 32 V. c. 36, s. 184.

When returnable.

**199.** The said rule or summons shall be returnable at such time as the Court or Judge directs. 32 V. c. 36, s. 185.

Hearing on return.

**200.** Upon the return of such rule or summons, the Court or a Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matters of the application. 32 V. c. 36, s. 186.

*Fi. Fa.* to the coroner to levy the money.

**201.** If the Court or Judge is of opinion that the Sheriff has been guilty of the dereliction alleged against him, such Court or Judge shall order the proper officer of the Court to issue a writ of *fi. fa.*, adapted to the case, directed to a Coroner of the County in which the Municipality is situate, or to a Coroner of the City or Town (as the case may be) for which the Collector is in default. 32 V. c. 36, s. 187.

Tenor of such writ.

**202.** Such writ shall direct the Coroner to levy of the goods and chattels of the Sheriff the sum which the Sheriff was ordered to levy by the warrant of the Treasurer, together with the costs of the application and of such writ and of its execution; and the writ shall bear date on the day of its issue, whether in Term or Vacation, and shall be returnable forthwith upon its being executed; and the Coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court. 32 V. c. 36, s. 188.

Execution thereof.

Fees.

Penalty on Sheriff if no other imposed.

**203.** If a Sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for



the omission, he shall be liable to a penalty of two hundred dollars, to be recovered from him in any Court of competent jurisdiction at the suit of the Treasurer of the County, City or Town. 32 V. c. 36, s. 189.

**204.** All money assessed, levied and collected for the purpose of being paid to the Treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over, to the same persons, in the same manner, and at the same time, as taxes imposed on the same property for County, City or Town purposes, and shall, in Law and Equity, be deemed and taken to be moneys collected for the County, City or Town, so far as to charge every Collector, or Treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the County, City or Town. 32 V. c. 36, s. 190.

Payment of money collected for the Province.

**205.** All moneys collected for County purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the Collector to the Township, Town or Village Treasurer, and by him to the County Treasurer; and the Corporation of the Township, Town or Village shall be responsible therefor to the Corporation of the County. 32 V. c. 36, s. 191.

How money collected for county purposes to be paid over.

**206.** Any bond or security given by the Collector or Treasurer to the Corporation of the Township, Town or Village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received for County purposes, or for any of the purposes mentioned in the two hundred and fourth section. 32 V. c. 36, s. 192.

Collectors or treasurers bound to account for all moneys collected by them.

**207.** The Treasurer of every Township, Town or Village shall, within fourteen days after the time appointed for the final settlement of the Collector's rolls, pay over to the Treasurer of the County all moneys which were assessed and by law required to be levied and collected in the Municipality for County purposes, or for any of the purposes mentioned in the two hundred and fourth section of this Act. 32 V. c. 36, s. 193.

Local treasurer to pay over county moneys to county treasurers.

**208.** If default be made in such payment, the County Treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the Municipality, or may recover the same by a suit or action for debt against such Municipality, or wherever the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the Sheriff of the County to levy and collect the amount so due with interest and costs from the Municipality in default. 32 V. c. 36, s. 194.

Mode of enforcing such payment.

Warrant to sheriff.

How the  
sheriff to levy.

**209.** The Sheriff, upon receipt of the warrant, shall levy and collect the amount with his own fees and costs as if the warrant had been a writ of execution issued by a Court of Law, and he shall levy the amount of costs and fees in the same manner as is provided by "*The Municipal Act*" in case of writs of execution. 32 V. c. 36, s. 195.

Rev. Stat. c.  
174, ss. 408 &  
409.

Treasurer,  
etc., to account  
for and pay  
over Crown  
moneys.

**210.** The County, City or Town Treasurer shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in the two hundred and fourth section of this Act, and shall pay over such moneys to the Treasurer of the Province. 32 V. c. 36, s. 196.

Municipality  
responsible  
for such  
moneys.

**211.** Every County, City and Town shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for according to law. 32 V. c. 36, s. 197.

Treasurer,  
etc., respon-  
sible to  
County, etc.

**212.** The Treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the County, City or Town; and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the County, City or Town, shall be taken to apply to all such moneys as are mentioned in the two hundred and fourth section, and may be enforced against the Treasurer or his sureties, in case of default on his part. 32 V. c. 36, s. 198.

Bonds to  
apply.

Bonds to  
apply to  
school  
moneys, etc.

**213.** The bond of the Treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, by stopping a like amount out of any public money which would otherwise be payable to the County, City or Town or to the Treasurer thereof, or by suit or action against the Corporation. 32 V. c. 36, s. 199.

City, etc., re-  
sponsible for  
default of  
Treasurer,  
etc.

**214.** Any person aggrieved by the default of the Treasurer, may recover from the Corporation of the County, City or Town, the amount due or payable to such person as money had and received to his use. 32 V. c. 36, s. 200.

#### MISCELLANEOUS.

Penalty for  
tearing down  
notices, etc.

**215.** If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the County, City or Town, be liable to a fine of twenty dollars, and, in default of payment, or for want of

sufficient distress, to imprisonment not exceeding twenty days.  
32 V. c. 36, s. 201.

**216.** The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the County, City or Town; and, in default of sufficient distress, the offender shall be committed to the Common Gaol of the County, and be there kept at hard labour for a period not exceeding one month. 32 V. c. 36, s. 202.

Recovery of  
fines and for-  
feitures here-  
by imposed.

**217.** When not otherwise provided all penalties recovered under this Act shall be paid to the Treasurer to the use of the Municipality. 32 V. c. 36, s. 203.

Application of  
penalties.

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## SCHEDULE "A."

(Section 3.)

FORM OF NOTICE BY NON-RESIDENT OWNER OF LAND REQUIRING TO BE  
ASSESSED THEREFOR.

To the Clerk of the Municipality of

Take notice, that I (or we) own the land hereunder mentioned, and require to be assessed, and have my name (or our names) entered on the Assessment Roll of the Municipality of (or Ward of the Municipality of ) therefor.

That my (or our) full name (or names), place of residence and Post Office address, are as follows :—

A. B., of the Township of York, shoemaker, Weston Post Office (as the case may be). Description of land (here give such description as will readily lead to the identification of the land).

Dated the                      day of                      , 18                      C. D.

Witness, G. H.

32 V. c. 36, Sched. A.

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## SCHEDULE "B."

(Section 41.)

TOWNSHIP OF  
STREET,  
(or CITY, TOWN OR VILLAGE) OF  
SIDE.

NAMES AND DESCRIPTION OF PERSONS ASSESSED.										DESCRIPTION AND VALUE OF REAL PROPERTY.							PERSONAL PROPERTY AND TAXABLE IN-COME.				AGGREGATE VALUE OF ALL PROPERTY.	STATUTE LABOUR.		Dogs.	STATISTICS.						DATE OF DELIVERY OF NOTICE UNDER SECTION 41.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	Number of persons in family of person rated as resident.						Religion.	Number of cattle.	Number of sheep.	Number of hogs.	Number of horses.	26			
	Number on roll.	Name of occupant or other taxable party.	Occupation.	Freeholder, householder, tenant, or farmer's son.	Age of occupant.	Name and address of owner when person named in column two is not the owner.	Non-resident.	School section. P. (Public School); S. (Separate School)	(Concession, street, square or other designation.	Number of lot, house, etc.	Number of acres, feet, etc.	Number of acres cleared in townships. Vacant or built on, in cities, towns and villages.	Value of each parcel of real property.	Total value of real property.	Value of personal property other than income.	Taxable income.	Total value of personal property and taxable in-come.	Total value of real and personal property and taxable income.	Number of persons from 21 to 60 years old.	Total number of days labour.	Dogs.	Bitches.	Number of persons in family of person rated as resident.						Religion.	Number of cattle.	Number of sheep.	Number of hogs.	Number of horses.

Take notice that you are assessed as above specified, for the year 18

agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of Municipality of

(insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the

(ENDORSED.)

Sir,—Take notice that I intend to appeal against this assessment, for the following reasons:—

A. B.,  
Township Clerk  
or Assessment Commissioner.

I am Sir, your obedient servant,

37 V. c. 19, ss. &amp; 12; 40 V. c. 16, s. 13 (2).



## SCHEDULE "C."

(Section 56, sub-section 14.)

FORM OF DECLARATION BY PARTY COMPLAINING IN PERSON OF OVERCHARGE ON PERSONAL PROPERTY :

I, A. B. (*set out name in full, with place of residence, business, trade, profession, or calling*), do solemnly declare that the true value of all the personal property assessable against me (*or as the case may be*), as trustee, guardian or executor, etc., without deducting any debts due by me in respect thereof, is [In case debts are owed in respect of such property : *add*, that I am indebted on account of such personal property in the sum of ] ; and that the true amount for which I am liable to be rated and assessed in respect of personal property, other than income, is .

32 V. c. 36, *Sched. D.*

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## SCHEDULE "D."

(Section 56, sub-section 14.)

FORM OF DECLARATION OF PARTY COMPLAINING IN PERSON OF OVERCHARGE ON ACCOUNT OF TAXABLE INCOME :

I, A. B. (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that my gross income, derived from all sources not exempt by law from taxation, is .

32 V. c. 36, *Sched. E.*

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## SCHEDULE "E."

(Section 56, sub-section 14.)

FORM OF DECLARATION BY PARTY COMPLAINING OF OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, A. B. (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that the true value of my personal property, other than income, is [if there are debts, *add*: that I am indebted on account of such personal property in the sum of ] ; that my gross income derived from all sources, not exempt by law from taxation, is ; and that the full amount for which I am by law justly assessable, in respect to both personal property and income, is .

32 V. c. 36, *Sched. F.*

## SCHEDULE "F."

(Section 56, sub-section 14.)

FORM OF DECLARATION BY AGENT OF A PARTY COMPLAINING OF OVER-CHARGE ON PERSONAL PROPERTY :

I, A. B. (*set out name in full, with place of residence, business, trade, profession or calling*), agent for C. D. (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the true value of all the personal property assessable against the said C. D. (*or, as the case may be*), as trustee, guardian or executor, etc., is [In case there are debts in respect to the property add: The said C. D. is indebted on account of such personal property in the sum of ;] and that the true amount for which the said C. D. is liable to be rated and assessed in respect of personal property, other than income, is ; and that I have the means of knowing, and do know, the extent and value of the said C. D.'s personal property and debts in respect thereof.

A. B.

32 V. c. 36, Sched. G.

## SCHEDULE "G."

(Section 56, sub-section 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF OVER-CHARGE ON TAXABLE INCOME :

I, A. B. (*set out name in full, with place of residence, business, trade, profession or calling*), agent for C. D. (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the gross income of the said C. D., derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing, and do know, the income of the said C. D.

32 V. c. 36, Sched. H.

## SCHEDULE "H."

(Section 56, sub-section 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF AN OVER-CHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, A. B. (*set out name in full, with place of residence, business, trade, profession or calling*), agent for C. D. (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the true value of the personal property of the said C. D., other than income, is ; that the gross income of the said C. D., derived from all sources not exempt by law from taxation, is ;

and that the full amount for which the said C. D. is justly assessable, in respect of both personal property and income, is  
*[If there are debts on account of the property, add: That the said C. D. is indebted on account of such personal property in the sum of ;]*  
 and that I have the means of knowing, and do know, the truth of the matters hereinbefore declared.

32 V. c. 36, Sched. I.

## SCHEDULE "K."

(Section 150.)

### FORM OF TAX DEED.

*To all to whom these Presents shall come.*

We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, Esquire, Warden  
 (or, Mayor), and \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, Esquire,  
 Treasurer of the County (or City or Town) of \_\_\_\_\_, Send  
 Greeting:—

WHEREAS by virtue of a warrant under the hand of the Warden (or Mayor) and seal of the said County (or City or Town) bearing date the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, commanding the Treasurer of the said County (or City or Town) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (or City or Town) did, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, sell by public auction to \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, together with costs:

Now know ye, that we, the said \_\_\_\_\_ and \_\_\_\_\_, as Warden (or Mayor) and Treasurer of the said County (or City or Town), in pursuance of such sale, and of "*The Assessment Act*," and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_, his heirs and assigns, all that certain parcel or tract of land and premises containing \_\_\_\_\_, being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof, we, the said Warden (or Mayor) and Treasurer of the said County (or City or Town), have hereunto set our hands and affixed the seal of the said County (or City or Town), this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_; and the Clerk of the County (or City or Town) Council has countersigned.

A. B., Warden (or Mayor). [Corporate Seal.]  
 C. D., Treasurer.

Countersigned,  
 E. F., Clerk.

32 V. c. 36, Sched. C.

## 4 *Sale of Intoxicating Liquors.*

CHAP. 181.—Liquor Licenses, p. 1880.

“ 182.—By-laws of Municipalities for prohibiting sale of liquor,  
p. 1924.

### CHAPTER 181.

#### An Act respecting the Sale of Fermented or Spirituous Liquors.

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|---|--|
| <p>Short title, s. 1.<br/>         Interpretation of words: s. 2.<br/>             “Liquor,”<br/>             “Tavern license,”<br/>             “Shop license,”<br/>             “License by wholesale.”<br/>         License Commissioners:<br/>             Appointment of, s. 3.<br/>             Powers of, ss. 4, 5.<br/>         Inspector of Licenses, s. 6.<br/>         Issue of Licenses:<br/>             When it may take place, s. 7.<br/>             Under direction of Board, s. 8.<br/>             Procedure to obtain license, ss. 9-10.<br/>             Not to be granted for certain times and places, s. 11.<br/>             Not to Commissioners and Inspectors, ss. 12-14.<br/>         Tavern Licenses:<br/>             Number, Limitation of, ss. 15-18.<br/>             Accommodation required, ss. 19, 20.<br/>             Security to be given, s. 22.<br/>         Shop Licenses:<br/>             Who may obtain, s. 23.<br/>             Limitation of number, s. 24.<br/>         Licenses by Wholesale:<br/>             Issue of, ss. 25, 26.<br/>             No licenses necessary for sale of native wines, s. 27.<br/>         Transfer of Licenses, 28.<br/>         Removal of licensee to different premises, s. 29.<br/>         Where license lapses, re-issue for remainder of period, s. 30.<br/>         Duties payable:<br/>             Amount of, ss. 31-33.<br/>         License Fund, ss. 34-36.<br/>         Regulations and Prohibitions:<br/>             License to be kept exposed, s. 37.</p> | <p>Notice of license to be exhibited, s. 38.<br/>         Liquors not to be sold without license, s. 39.<br/>         Nor kept for sale, s. 40.<br/>         Exceptions, brewers and chemists, ss. 41, 42.<br/>         No sale on Sunday, or after seven on Saturday night, s. 43.<br/>         Or from vessels in port, s. 44.<br/>         Liquor sold under shop or whole-sale license, not to be drunk on premises, ss. 45, 46.<br/>         Penalties:<br/>             For taking money for license certificate report, etc., s. 47.<br/>             For issuing license contrary to Act, s. 48.<br/>             In case of Municipal officers or members of Councils, ss. 49, 50.<br/>             For selling without license, s. 51.<br/>             For selling on Sunday or after seven on Saturday night, etc., s. 52.<br/>             For keeping disorderly house, s. 53.<br/>             For harbouring constables on duty, s. 54.<br/>             For compromising prosecutions, ss. 55, 56.<br/>             For tampering with witness, s. 57.<br/>             Penalties not to be remitted or compromised, s. 58.<br/>             How penalties recoverable, s. 59.<br/>             Application of penalties, ss. 60, 61.<br/>         Powers of County Judge:<br/>             Revocation of licenses improperly obtained, s. 62.<br/>             Investigation of negligence of Inspector, s. 63.<br/>             Procedure in such cases, s. 64.</p> |
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## Prosecutions :

Informations, how and within what time to be laid, s. 65.

Any person may be prosecutor, s. 66.

License Commissioners and Inspectors not to try complaints in their District, s. 67.

Certain prosecutions before two Justices or a Police Magistrate, s. 68.

Prosecutions in other cases before one Justice or a Magistrate, ss. 69, 70.

## Appeals :

From convictions for selling without license, s. 71.

In other cases, s. 72.

Procedure in cases where a previous conviction is charged, s. 73.

Form of informations and other proceedings, ss. 74, 75.

Amendment of matters of form, ss. 76, 77.

## Evidence :

License, how proved, s. 78.

Resolutions of License Commissioners, how authenticated, s. 79.

When sale of liquor will be presumed, s. 80.

Consumption to be proof of sale, s. 81.

Light in bar-room, evidence of a sale, s. 82.

Occupant of premises liable to penalties, s. 83.

Certain presumptions conclusive unless rebutted, s. 84.

Defendant to prove license, s. 85.

Compelling attendance of witnesses and production of documents, ss. 86, 87.

## Civil Remedies against Innkeepers :

For suicide, drowning, etc., of intoxicated persons, s. 88.

For assault by intoxicated person, s. 89.

Notice may be given not to supply liquor to inebriates, s. 90.

Liability if notice disregarded, s. 90.

Money paid on illegal sale of liquor, may be recovered back, s. 91.

## Officers to enforce the Law :

Lieutenant-Governor may appoint, s. 92.

License Commissioners may appoint, s. 93.

Powers and duties of, s. 94.

Powers and duties of officers and of County Attorneys, s. 94.

Right of search given, s. 95.

Search warrant may be granted, s. 96.

Officers must prosecute, s. 97.

## Licenses in Territorial and unorganized Districts :

Act to apply and Stipendiary Magistrate to try cases, s. 98.

License Districts may be formed, s. 99.

Appeals in such License Districts, s. 100.

Appointment of Commissioners and Inspectors where no License District formed, s. 101.

Duties payable in such case, s. 101 (2).

Issue of Licenses, s. 102.

Powers of Municipal Corporations, s. 103.

## Municipalities in which the Temperance Act is in force :

Not affected by this Act, s. 104.

But Commissioners and Inspector may be appointed for County, s. 105.

Duties of, s. 106.

Wholesale licenses necessary, s. 107.

Prosecutions in such places, s. 108.

Expenses in such cases, s. 109.

Schedules of forms, p. 1915.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Liquor License Act.*"

Short title.

## INTERPRETATION.

2. In this Act the words and expressions following shall be construed as follows :—

"Liquors"  
and "Liquor."

(1.) "Liquors" or "Liquor" shall be construed to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating. 37 V. c. 32, s. 1.

"Tavern li-  
cense."

(2.) "Tavern license" shall be construed to mean a license for selling, bartering or trafficking by retail in fermented, spirituous or other liquors, in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same liquor is sold. 37 V. c. 32, s. 2.

"Shop li-  
cense."

(3.) "Shop license" shall be construed to mean a license for selling, bartering or trafficking by retail in such liquors in shops, stores, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than three half-pints at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities not less than three half-pints at a time. 37 V. c. 32, s. 3.

"License by  
wholesale."

(4.) "License by wholesale" or "Wholesale license" shall be construed to mean a license for selling, bartering or trafficking, by wholesale only, in such liquors in warehouses, stores, shops, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than five gallons in each cask or vessel at any one time; and in any case where such selling by wholesale is in respect of bottled ale, porter, beer, wine or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time. 37 V. c. 32, s. 4.

Liquor in  
bottles.

#### LICENSE COMMISSIONERS.

Board of  
License Com-  
missioners.

3. There shall be a Board of License Commissioners to be composed of three persons to be appointed from time to time by the Lieutenant-Governor for each City, County, Union of Counties or Electoral District, as the Lieutenant-Governor may think fit; and any two of the said Commissioners shall be a quorum, and each of them shall cease to hold office on the thirty-first day of December in each year, but he may be reappointed; and the said office shall be honorary and without any remuneration. 39 V. c. 26, s. 1. 40 V. c. 18, s. 1.

Powers of the  
commission-  
ers.

4. The License Commissioners may at any time before the first day of May in each year, pass a resolution or resolutions for regulating and determining the matters following, that is to say:

For defining  
requisites for  
granting  
tavern and  
shop licenses.

(1.) For defining the conditions and qualifications requisite to obtain tavern licenses for the retail, within the Municipality, of spirituous, fermented or other manufactured liquors, and also shop licenses for the sale, by retail, within the Municipality, of

such liquors in shops or places other than taverns, inns, ale-houses, beer-houses or places of public entertainment ;

(2) For limiting the number of tavern and shop licenses respectively, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the first day of May of one year till the thirtieth day of April inclusive of the next year ;

Limiting number of licenses, etc.

(3) For declaring that in Cities a number not exceeding ten persons, and in Towns a number not exceeding four persons, qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law ;

Exemption from having accommodation.

(4) For regulating the taverns and shops to be licensed ;

Regulations.

(5) For fixing and defining the duties, powers, and privileges of the Inspector of Licenses of their District. 37 V. c. 32, s. 9 ; 39 V. c. 26, s. 4.

5. In and by any such resolution of a Board of License Commissioners, the said Board may impose penalties for the infraction thereof. 37 V. c. 32, s. 48.

Penalties may be imposed by regulations.

#### INSPECTOR OF LICENSES.

6. An Inspector of Licenses shall be appointed by the Lieutenant-Governor from time to time for each City, County, Union of Counties, or Electoral District as the Lieutenant-Governor may think fit ; and each Inspector shall, before entering upon his duties, give such security as the Treasurer of the Province may require for the due performance of his said duties, and for the payment over of all sums of money received by him according to the provisions of this Act ; and the salary of each Inspector shall be fixed by the Lieutenant-Governor in Council. 39 V. c. 26, s. 8 ; 40 V. c. 18, s. 1.

Inspector of Licenses, his appointment, powers and duty and security.

#### ISSUE OF LICENSES.

7. The Lieutenant-Governor in Council may direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds hereinbefore mentioned ; and the said licenses shall be signed by the Treasurer of this Province, and dated as of the first day of May in each year, and shall thence continue in force for one year, and shall expire on the thirtieth day of April in the next ensuing year.

Issue of licenses.

2. After the first of May tavern and shop licenses may be issued between the first and fifteenth days of May in each year ; and licenses by wholesale may be issued between the first and last days of May in each year ; and all such licenses shall be deemed to have been issued on the said first day of May.

After the 1st of May.

In special cases.

3. Where special grounds are shewn, the License Commissioners may direct one or more licenses to issue at any time after the said first day of May, if within the limit authorized by this Act. 37 V. c. 32, s. 5; 39 V. c. 26, ss. 4 & 24.

Licenses, how issued.

8. Every license shall be issued, under the direction of the respective Boards of License Commissioners, by the Inspector of Licenses for the License District in which the tavern, shop, warehouse or other place to which the license is to apply is situate, except in the case of licenses for vessels, which may be issued under the direction of the License Commissioners by the Inspector of Licenses for any License District to or from any port in which the vessel sails, or at any port in which she calls. 37 V. c. 32, s. 8; 40 V. c. 18, s. 2.

Vessel Licenses.

No tavern or shop license to be granted except upon petition and report thereon.

9. A license to sell spirituous, fermented or other manufactured liquors, by retail, in any tavern, alehouse, beerhouse, place of public entertainment or shop, shall not be granted except upon petition by the applicant to the License Commissioners of the District in which the license is to have effect, praying for the same; nor until the Inspector, to be appointed as hereinbefore provided, has reported in writing to the License Commissioners, that the applicant is a fit and proper person to have a license and (in the case of a tavern license) has all the accommodation required by law, and that the applicant is known to the Inspector to be of good character and repute; and every such report shall be duly filed by the License Commissioners and shall remain open to the inspection of any ratepayer of the Municipality or any Provincial officer. 37 V. c. 32, s. 13; 39 V. c. 26, s. 9.

Report to be filed.

When petition for license to be presented.

2. Every petition for a tavern license, which is to take effect on the first day of May in any year, shall be filed with the License Inspector for the District wherein it is to have effect on or before the first day of April next preceding. 40 V. c. 18, s. 4.

Report not to be conclusive.

3. The Inspector shall not report in favour of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed, and his report shall be for the information only of the License Commissioners, who shall nevertheless exercise their own discretion on each application.

May be dispensed with

4. Where the applicant for a tavern or shop license resides in a remote part of the License District, or where for any other reason the License Commissioners see fit, they may dispense with the report of the Inspector, and act upon such information as may satisfy them in the premises. 37 V. c. 32, s. 13; 39 V. c. 26, ss. 11, 13.

Mode of procedure for ob-

10. If upon application of any person requiring a tavern or shop license, it appears that such applicant is the true owner of



the business of such tavern or shop, and has complied with the requirements of the law, and of any municipal by-laws in force in that behalf, and also with the regulations and requirements of the License Commissioners, and is one of the persons designated or otherwise approved of by the License Commissioners, the said License Commissioners may grant such applicant a certificate under the hands of any two of them, stating that he is entitled to a license for a certain time, and for a certain tavern inn, house or place of public entertainment or shop within the Municipality, to be mentioned in such certificate. *See* 37 V. c. 32, s. 14; 39 V. c. 26, s. 11.

taining tavern  
or shop  
licensee.

2. The license duty shall then be paid by the applicant into such bank as may be designated by the Provincial Treasurer, to the credit of the "License Fund Account," for the License District; and upon production by the applicant to the Inspector of the certificate of the License Commissioners, together with a receipt shewing payment in full of the duty to the credit of the License Fund Account, the Inspector may issue the license authorized by the Commissioners. 40 V. c. 18, s. 28.

11. The License Commissioners shall not grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the Exhibition of the Agricultural Association of Ontario, or of any Electoral District, or Township, Agricultural Society Exhibition, either on the grounds of such Society, or within the distance of three hundred yards from such grounds. 37 V. c. 32, s. 14.

No license to  
be granted for  
certain times  
and places.<sup>1</sup>

12. A tavern or shop license shall not be granted under the provisions of this Act or any other Act of the Legislature of Ontario respecting the sale of spirituous or fermented liquors to or for the benefit of any person who is a License Commissioner or License Inspector, and every License so issued shall be void. 40 V. c. 8, s. 76.

No license to  
be granted to  
Commissioner  
or Inspector.

13. A tavern or shop license shall not be issued under the provisions of this Act or any such Act for premises within any License District of which any of the License Commissioners or of the License Inspectors for such District is the owner, and every License Commissioner who knowingly issues, and every License Inspector who knowingly recommends the issue of a license for any such premises, contrary to the provisions of this section, shall incur a penalty of five hundred dollars. 40 V. c. 8, s. 77.

License not to  
be issued for  
any premises  
owned by such  
person in his  
district.

2. The preceding sub-section shall not extend or apply to premises owned or occupied by a joint-stock company in which a License Commissioner is a shareholder, but in every such case the License Commissioner shall not, under a penalty of five hundred dollars, vote upon any question affecting the granting

Last sub-sec-  
tion not to  
apply to com-  
panies in which  
commissioner,  
etc., is a share-  
holder.

of a license to the company, or for premises owned or occupied by it. 40 V. c. 8, s. 78.

License limited to person and place for which it was granted, subject to ss. 28-29.

**14.** Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises and the true owner of the business there carried on 40 V. c. 18, s. 5.

#### TAVERN LICENSES.

##### *Number.*

Limitation of licenses.

In cities, towns and villages.

**15.** The number of tavern licenses to be granted in the respective Municipalities shall not in each year be in excess of the following limitations: in Cities, Towns and incorporated Villages respectively, according to the following scale, that is to say, one for each full two hundred and fifty of the first one thousand of the population, and one for each full four hundred over one thousand of the population; but in no case shall this limit authorize any increase in any Municipality in excess of the number of licenses therein issued for the year ending the first day of March, one thousand eight hundred and seventy-six, unless from the future increase of the population the License Commissioners think a larger number has become necessary, but not in any case exceeding the limit imposed by this Act;

In villages which are county towns.

2. In incorporated Villages, being County Towns, the limit may be five in number, and in the Town of Clifton three hotels near the Falls of Niagara, which may be licensed, may be excluded from the number which would otherwise be the maximum limit under this Act. 39 V. c. 26, s. 2.

Manner of determining the population with a view to the number of licenses.

**16.** The number of the population which is to determine the number of licenses at any time under this Act shall be according to the then last preceding census taken under the authority of the Dominion of Canada, except where the License Commissioners are at any time of opinion that, owing to a large increase of population since such census, an increased number of licensed taverns is needed for the convenience and accommodation of travellers; and in that case, if the License Commissioners so certify, and the Council of the Municipality memorialize the Lieutenant-Governor for an increase of the number of licensed taverns, the Lieutenant-Governor in Council may authorize a new census to be taken under the authority of a by-law of the Municipality and at the expense of the Municipality, and the limit for the number of licenses shall thereafter, upon each such new census, be one for each full two hundred and fifty of the population under one thousand, and one for each five hundred over one thousand of the population.

2. In case of the alteration or formation of any Municipality subsequent to such census of the Dominion of Canada, the population of such Municipality, for the purposes of this Act, may be ascertained by the said Commissioners by reference to the enumeration on which such census took place, or by a new census taken under the provisions of this section.

In case of  
alteration or  
formation of  
municipality.

3. Where, since the said Dominion census, a census has been taken in any Municipality under the authority of the Council having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act.

Or municipal  
census.

17. The Council of every City, Town, Village or Township may, by by-law to be passed before the first day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning on the first day of May, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by this Act ;

Council may  
limit.

2. The Council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the License Commissioners of the District in which the Municipality is situate.

Copy of by-  
law limiting  
to be sent to  
Commission-  
ers.

18. In any case where the License Commissioners of any License District do not think fit, or are unable to grant a new license to any applicant who has been licensed during the preceding twelve months, or any part thereof, they may, nevertheless, by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months at their discretion, upon payment by the applicant, of a sum not exceeding the proportionate part of the duty payable for such license for the then next ensuing license year ; and such license, when a certificate of the extension aforesaid has been endorsed thereon, under the hand of the Inspector of Licenses for the License District, shall remain valid for the period specified in the resolution of the Commissioners, and no longer : but this provision shall not be construed to confer on the License Commissioners any authority to exceed the limit prescribed by this Act as to the number of tavern licenses to be granted in any year, except in Cities, where the License Commissioners may in their discretion, having regard to the particular circumstances of the City, and of each application, grant further tavern licenses, but within the number of such licenses granted for the year ending on the thirtieth day of April, 1877, and except in a locality largely resorted to in summer by visitors, where the License Commissioners may, if they think fit, grant one additional tavern license, but not to extend beyond six months, commencing on the first day of May in each year.

Limited  
'i'enses.

40 V. c. 18, s. 33.

*Accommodation.*

Accommodation required.

**19.** Every tavern or inn authorized to be licensed under the provisions of this Act shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed-rooms, together with, in every case, a suitable complement of bedding and furniture, and (except in Cities and incorporated Towns) there shall also be attached to the said tavern or inn, proper stabling for at least six horses; but the foregoing requirements shall not apply to such taverns as come within the third sub-section of section four of this Act.

Not to communicate with grocery.

**2.** Such tavern or inn shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandize known as groceries or provisions are kept for sale; but this sub-section shall not apply to taverns in Townships, unless so provided by by-law of the Township Council. 37 V. c. 32, s. 12; 40 V. c. 18, s. 3.

Every tavern to be an eating house.

**20.** In addition to the accommodation required by the last preceding section, every tavern or house of entertainment shall be shown, to the satisfaction of the License Commissioners, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers; and the requirements of this section shall apply to all taverns or houses of entertainment, without any exception whatever, and continuously, for the whole period of the license. 39 V. c. 26, s. 5.

City or town council may prescribe further requirements as to tavern.

**21.** The Council of any City or Town may, by by-law to be passed before the first day of March in any year, prescribe for the then ensuing license year beginning on the first day of May, any requirements in addition to those in the last two preceding sections mentioned, as to accommodation to be possessed by taverns or houses of entertainment, as the Council may see fit; and the License Commissioners upon receiving a copy of such by-law shall be bound to observe the provisions thereof; and such by-law shall continue in full force for such year and any future year until repealed. 39 V. c. 26, s. 6.

*Security to be given.*

Security to be given by tavern licensee.

**22.** Before any tavern license is granted, the person applying for the same shall enter into a bond to Her Majesty in the sum of two hundred dollars, with two good and sufficient sureties, (to be approved of by the Inspector) in the sum of one hundred dollars each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against any Act, by-law or provision in the nature of law, relative to taverns or houses of public entertainment then and thereafter to be in force, and to do, perform and observe all



the requirements thereof, and to conform to all by-laws and regulations that may be established by competent authority in such behalf, and such bond shall be in the words or to the effect of Schedule A to this Act; and when executed, shall be filed in the office of the Inspector of Licenses, to be by him transmitted to the office of the Provincial Treasurer. 39 V. c. 26, s. 7.

## SHOP LICENSES.

**23.** A shop license shall not be granted to any person unless he has filed his application with the Inspector on or before the first day of April in that year, and unless the Inspector has reported to the License Commissioners that he is a person of good character, and that his shop and premises are suitable for carrying on a reputable business, and unless he executes with sureties the bond in the form expressed in Schedule B to this Act. 39 V. c. 26, s. 10.

Shop licenses,  
to whom  
given.

Security.

**24.** The Council of every City, Town, Village or Township may, by by-law to be passed before the first day of March, in any year, limit the number of shop licenses to be granted therein for the then ensuing license year, beginning on the first day of May, and in such by-law or by any other by-law passed before the first day of March, may require the shopkeeper to confine the business of his shop solely and exclusively to the keeping and selling of liquor, or may impose any restrictions upon the mode of carrying on such traffic as the Council may think fit.

Number of  
shop licenses  
limited, and  
licenses may  
be subjected  
to certain  
restrictions.

2. It shall be the duty of the Clerk, immediately after the passing of such by-law, to send a certified copy thereof to the License Commissioners within whose License District the Municipality is situate and such by-law shall be binding upon the License Commissioners, and any shop license to be issued shall conform to the provisions thereof; and such by-law shall remain in force for any future year until repealed, and any Clerk who neglects, omits or refuses to send such certified copy shall incur a penalty of not less than forty nor more than one hundred dollars. 37 V. c. 32, s. 10; 39 V. c. 26, s. 12.

Certified cop  
to be sent to  
License Com  
missioners.

## LICENSES BY WHOLESALE.

**25.** The Inspector of Licenses of the License District, in any Municipality in which the license applied for is to have effect, shall issue to any applicant, upon a requisition therefor signed by him, and after payment to the Inspector of the proper duty thereon, a license for selling fermented, spirituous or other liquors, by wholesale only, in his warehouse, store, shop, or place to be defined in said license, and situate within the said Municipality, and such license shall be deemed a license by wholesale within the meaning and subject to the provisions of the

Issue of li-  
censes by  
wholesale.

fourth sub-section of the second section of this Act. 37 V. c. 32, s. 15; 39 V. c. 26, s. 14.

Regulations  
as to issue of  
wholesale  
licenses.

**26.** Wholesale licenses may be issued at any time during the year after the License Commissioners of the District in which such license is to have effect, have directed the same to be granted, and shall be strictly limited to persons who carry on the business of selling by wholesale or in unbroken packages, and any wholesale license so issued shall be and become void in case the holder thereof, at any time during the currency of the said license, directly or indirectly, or by or with any partner, clerk, agent or other person, carries on, upon the premises to which such license applies, the business of a retail dealer in any other goods, wares or merchandize. 40 V. c. 18, s. 29; 39 V. c. 26, s. 14.

Manufacturers of native  
wines.

**27.** Manufacturers of native wines from grapes grown and produced in Ontario, and who sell such wines in quantities of not less than one gallon, or two bottles of not less than three half-pints each at one time shall be exempt from any duty under this Act, and shall not be required to obtain any license for so selling wines so manufactured. 39 V. c. 26, s. 15; 40 V. c. 18, s. 37.

#### TRANSFER OF LICENSES.

Transfers of  
licenses.

**28.** In case any person having lawfully obtained a license under this Act before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his said business, or removes from the house or place in respect of which the said license applies, his said license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatsoever,—unless such person his assigns or legal representatives, within one month after the death, assignment, or removal of the original holder of such license, or other period in the discretion of the License Commissioners of the District in which the said license has effect, obtains their written consent either for the continuance of the said business or to transfer such license to any other person, and thereupon forthwith transfers the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place. 40 V. c. 18, s. 6.

On transfer of  
tavern license  
new report  
necessary.

**2.** In every such case of transfer of a tavern license, the person in whose favour any such transfer is to be made shall first produce to the License Commissioners a report of the Inspector similar to that mentioned in the ninth section of this Act. 40 V. c. 18, s. 7.

## REMOVAL OF LICENSEE.

**29.** Any Inspector of Licenses may, after resolution allowing the same, of the License Commissioners, endorse on any tavern or shop license permission to the holder thereof, or his assigns or legal representatives, to remove from the house to which his said license applies to another house to be described in an endorsement to be made by the said Inspector on the said license, and situate within the same Municipality, and possessing all the accommodation required by law.

Inspector of Licenses may consent to removal of tavern keeper to another house.

2. Such permission, when the approval of the said Inspector is endorsed on the said license, shall authorize the holder of the said license to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said license was granted, in the same manner, and upon the same terms and conditions; but no such permission shall be granted unless and until the person applying therefor has filed with the License Commissioners a report of the Inspector containing the information required by law in case of application for a license, and any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorized, but such permission shall not entitle him to sell at any other than this one place. 37 V. c. 32, s. 18; 40 V. c. 18, s. 8.

Effect of such consent.

Bond to apply.

## WHERE LICENSE LAPSES.

**30.** In case for any cause the license becomes void, or in case the term or interest of the holder of a license in the premises licensed ceases before the expiry of the license, or if such licensee absconds or abandons the premises, or becomes insolvent, the License Commissioners may grant a new license for the same premises, subject to the provisions of this Act, upon such terms as to the payment or refund by the new licensee of the duty for the unexpired period to the person entitled thereto under the original license, as to the License Commissioners may seem just. 40 V. c. 18, s. 9.

How licenses may be granted for premises where for any cause the license becomes void, &c.

## DUTIES PAYABLE.

**31.** The following license duties shall hereafter be payable, and shall be in lieu of all others, Provincial or Municipal—that is to say:

Duties.

1. For each wholesale license, the sum of one hundred and fifty dollars:
2. For each tavern license in Cities, one hundred dollars;  
in Towns, eighty dollars;  
in other Municipalities, sixty dollars;

3. For each shop license in Cities, one hundred dollars ;  
in Towns, eighty dollars ;  
in other Municipalities, sixty dollars ;
4. For each license for a vessel navigating the waters of this Province, one hundred dollars. 39 V. c. 26, ss. 16 (1) & 26.

Council may impose a larger duty up to \$200, but not more without consent of electors.

Rev. Stat. c. 174.

**32.** The Council of any Municipality may by by-law to be passed before the first day of March in any year, require a larger duty to be paid for tavern or shop licenses therein, but not in excess of two hundred dollars in the whole, unless the by-law has been approved by the electors in the manner provided by "*The Municipal Act*," with respect to by-laws which before their final passing require the assent of the electors of the Municipality.

2. Such by-law shall take effect from the passing thereof, and continue in force for any future year until repealed.

3. Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the Municipality. 37 V. c. 32, s. 23 ; 39 V. c. 26, s. 16 (2) ; 40 V. c. 18, s. 27.

When duties now exceed the statutory figure they are not affected.

**33.** In any Municipality where, by virtue of any by-law in that behalf, passed under the provisions of any former Act, a larger sum or duty in the whole than that mentioned in section thirty-one was on the tenth day of February, 1876, payable for any shop or tavern license, such sum or duty shall be the lowest duty payable under this Act for any such license, until altered by by-law of the Municipality to be passed for the purpose, but in no case shall the duty be under the amount in the said section specially prescribed. 39 V. c. 26, s. 16. (3).

#### LICENSE FUND.

The duties, fines and penalties to form a License Fund.

**34.** All sums received from duties on tavern, shop and wholesale licenses, and received by the Inspector for fines and penalties, shall form the License Fund of the City, County, Union of Counties or Electoral District respectively for which the Board of License Commissioners has been appointed. 39 V. c. 26, s. 19.

Application\* of the Fund.

2. The License Fund shall be applied, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in carrying the provisions of the law into effect, and the residue, on the thirtieth day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, shall be paid over,—one-third to the Treasurer



of the Province, to and for the use of the Province, and the other two-thirds to the Treasurer of the City, Town, Village, or Township Municipality in which the licensed premises are respectively situate; but in cases where any Municipality by by-law requires a larger duty in the case of tavern or shop licenses to be paid than the specific sum mentioned in the thirty-first section for any license, the whole of such excess shall be paid over to the Treasurer of such Municipality. 39 V. c. 26, s. 19.

3. Cheques upon the License Fund Account shall be drawn by the Inspector, and countersigned by the Chairman, or any two of the License Commissioners, subject to the regulations of the Lieutenant-Governor in Council. 40 V. c. 18, s. 28.

Cheques upon the License Fund Account.

35. Any penalty in money recovered under this Act, in cases in which an Inspector is the prosecutor or complainant, shall be paid by the convicting Justice, Justices or Police Magistrate to the Inspector, and paid in by him to the credit of the "License Fund Account";

Application of penalties where Inspector is prosecutor.

2. In case the whole amount of the penalty and costs is not recovered, the amount recovered shall be applied, first, to the payment of the costs, and the balance shall be appropriated as hereinafter mentioned.

Where the whole penalty and costs are not recovered.

3. In any case where the Inspector has prosecuted and obtained a conviction, and has been unable to recover the amount of costs, the same shall be made good out of the said License Fund.

Where costs are not recovered.

4. In any case where the Inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs out of the License Fund, should the Justice, Justices or Police Magistrate before whom the complaint is made certify that such officer had reasonable and probable cause for preferring such prosecution or complaint. 39 V. c. 26, s. 18.

Indemnity of Inspector where he fails to obtain a conviction.

36. All moneys received for vessel licenses shall belong to Her Majesty, and be paid over to the Treasurer of the Province. 39 V. c. 26, s. 26.

Vessel licenses.

#### REGULATIONS AND PROHIBITIONS.

37. All licenses shall be constantly and conspicuously exposed in the warehouses, shops or in the bar-room of taverns, inns, alehouses, beerhouses or other places of public entertainment, and in the bar-saloon, or bar cabin of vessels, under a penalty of five dollars for every day's wilful or negligent omission so to do, to be recovered with costs from the merchant, shopkeeper or tavern, inn, alehouse or beerhouse-keeper or

Licenses to be kept exposed.

Penalty on non-exposure

keeper of any other place of public entertainment, or master, captain or owner of the vessel so making default. 37 V. c. 32, s. 8.

Tavern keep-  
ers to exhibit  
notice of being  
licensed.

**38.** Every person who keeps a tavern, or other place of public entertainment, in respect of which a tavern license has duly issued and is in force, shall exhibit over the door of such tavern inn, alehouse, beerhouse, or other place of public entertainment, in large letters, the words "*Licensed to sell wine, beer, and other spirituous or fermented liquors*" and in default thereof shall be liable to a penalty of five dollars, besides costs. 37 V. c. 32, s. 19.

Penalty.

No person  
shall sell li-  
quors without  
license.

**39.** No person shall sell by wholesale or retail any spirituous, fermented, or other manufactured liquors without having first obtained a license under this Act authorizing him so to do: but this section shall not apply to sales under legal process, or for distress, or sales by Assignees in Insolvency. 37 V. c. 32, s. 24.

2. No person unless duly licensed shall by any sign or notice hold himself out to the public that he is so licensed; and the use of any sign or notice for this purpose is hereby prohibited. 40 V. c. 18, s. 11.

Persons not to  
keep spiritua-  
ous, etc., li-  
quors for sale  
unless licensed.

**40.** No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented or other manufactured liquors for the purpose of selling, bartering or trading therein, unless duly licensed thereto under the provisions of this Act. 37 V. c. 32, s. 25.

Last two pre-  
ceding sections  
not to apply to  
brewers, etc.,

**41.** Sections thirty-nine and forty shall not prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of fermented, spirituous, or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein is kept any broken package of such articles.

2. Such brewer, distiller or other person is however further required to first obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within this Province, under which license the said liquor may be sold by sample, or in original packages, in any Municipality, as well as in that in which it is manufactured; but no such sale shall be in quantities less than those prescribed in sub-section four of section two of this Act. 37 V. c. 32, s. 26.

**42.** The said sections numbered thirty-nine and forty of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of "*The Pharmacy Act*," from keeping, having or selling liquors for strictly medicinal purposes, and then only in packages of not more than twelve ounces at any one time, except under certificate from a registered medical practitioner; but it shall be the duty of such chemist or druggist to record in a book, to be open to the inspection of the License Commissioners or Inspector, every sale or other disposal by him of liquor, and such record shall show as to every such sale or disposal, the time when, the person to whom, the quantity sold, and the certificate, if any, of what medical practitioner, and in default of such sale or disposal being so placed on record, every such sale or disposal shall, *prima facie*, be held to be in contravention of the provisions contained in the said thirty-ninth and fortieth sections of this Act. 37 V. c. 32, s. 27; 40 V. c. 18, s. 12.

Nor to chem-  
ists.  
Rev. Stat. c  
145.

**43.** In all places where intoxicating liquors are, or may be, sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours or other days during which, by any statute in force in this Province, or by any by-law in force in the Municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same, except by the occupant or some member of his family, or lodger in his house. 37 V. c. 32, s. 28; 40 V. c. 18, s. 13.

All places  
where intoxi-  
cating liquors  
sold to be  
closed from  
seven o'clock  
on Saturday  
night till six  
o'clock on  
Monday morn-  
ing.

Exception.

**44.** Where a license is issued, under this Act, to authorize the sale of liquors upon any vessel navigating any river, lake, or water in this Province, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring, or station; nor shall any liquor, whether sold or not, be permitted or allowed to be consumed in or upon any vessel departing from and returning to the same port or wharf, dock, mooring, or station, within the time hereinafter in this section mentioned, by any person during the hours prohibited by the preceding section for sale of the same except for medical purposes, as provided in the preceding section.

Sale of liquors  
from ships in  
port prohib-  
ed.

2. In case any such sale or other disposal of liquor takes

Penalty.

place, the said license shall *ipso facto* be and become forfeited and absolutely void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section, shall be severally and respectively liable to pay to the Crown, for the public uses of this Province the sum of one hundred dollars; and any person who sells or disposes of any liquor contrary to the provisions of this section, shall also be liable to the same penalty and punishment therefor as are hereinafter prescribed in the fifty-second section of this Act. 37 V. c. 32, s. 29; 40 V. c. 18, s. 14.

Shop license not to authorize liquor sold to be consumed in the house.

Penalty.

**45.** No person having a shop license to sell by retail, and no chemist or druggist, shall allow any liquors sold by him or in his possession, and for the sale of which a license is required, to be consumed within his shop, or within the building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under the penalty, in money, imposed by the fifty-first section of this Act. 37 V. c. 32, s. 20; 40 V. c. 18, s. 10.

Liquor not to be consumed on premises of persons having license by wholesale.

**46.** No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail, or wherein there are kept any broken packages of such articles. 37 V. c. 32, s. 21.

#### PENALTIES.

Not lawful to take money for certificate, &c.

Penalty.

**47.** It shall not be lawful for the License Commissioners of any License District, or any of them, nor for any Inspector, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the duty under the provisions of this Act, or to receive, take or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever; and any person or persons guilty of, or concerned in, or party to any act, matter or thing contrary to the provisions of this section, or of sections ten and eleven, shall forfeit and pay to and for the use of Her Majesty a penalty of not less than fifty dollars, nor more than one hundred dollars, besides costs, for every such offence. 37 V. c. 32, s. 30.

Penalty for issuing any license con-

**48.** Any member of any Board of License Commissioners or any Inspector, officer or other person who, contrary to the



provisions of this Act, knowingly issues, or causes or procures to be issued, a tavern or shop license, or a certificate therefor, shall, upon conviction thereof, for each offence pay a fine of not less than forty dollars, nor more than one hundred dollars, and in default of payment of such fine, the offender or offenders may be imprisoned in the County Gaol of the County in which the conviction takes place for a period not exceeding three calendar months. 37 V. c. 32, s. 31.

**49.** If any officer of any Municipal Corporation is convicted of any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his office, and shall be disqualified to hold any office in any Municipality in this Province for two years thereafter. 37 V. c. 32, s. 32; 40 V. c. 18, s. 15.

Forfeiture of office by municipal officer if convicted.

**50.** If any member of any Municipal Council is convicted of any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any Municipal Council for two years thereafter; and if any such person, after the forfeiture aforesaid, sits or votes in any Municipal Council, he shall incur a penalty of forty dollars for every day he so sits or votes. 37 V. c. 32, s. 33; 40 V. c. 18, s. 15.

Forfeiture of office by member of council if convicted.

Penalty.

**51.** Any person who sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, or who otherwise violates any other provision of this Act, in respect of which violation no other punishment is prescribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars besides costs, and not more than fifty dollars besides costs; and for the second offence, on conviction thereof, such person shall be imprisoned in the County Gaol of the County in which the offence was committed, to be kept at hard labour for a period not exceeding three calendar months. 37 V. c. 32, s. 35; 39 V. c. 26, s. 20.

Penalty for selling without license.

**52.** For punishment of offences against section forty-three of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty dollars with costs or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the enactment in the said forty-third section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such

Penalty for contravention of sec. 43.

of not less than one hundred dollars with costs, or fifty days' imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than one nor more than three months' imprisonment with hard labour, in the Common Gaol of the County wherein such place or places are. 37 V. c. 32, s. 34.

Keepers of disorderly inns subject to certain penalties.

**53.** The Mayor or Police Magistrate of a Town or City, or the Reeve of a Township or Village, with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the Township or Village, upon information to them, or one of them respectively, that any keeper of any inn, tavern, ale-house, beer-house, or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct in his tavern or house, may summon the keeper of such inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale-house, beer-house or place of public entertainment, is convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter and shall also be liable to the penalties by the fifty-first section prescribed. 37 V. c. 32, s. 36; 40 V. c. 18, s. 17.

Provisions as to harbouring constables on duty.

**54.** Any person licensed to sell wine, beer or spirituous liquors, or any keeper of the house, shop, room, or other place for the sale of liquors, who knowingly harbours or entertains any constable belonging to any police force, or suffers such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license. 37 V. c. 32, s. 58.

Penalty in case any person compromises, compounds, or settles a case.

**55.** Any person who, having violated any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned at hard labour in the Common Gaol of the County in which the offence was committed for the period of three calendar months. 37 V. c. 32, s. 39.

**56.** Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned in the Common Gaol of the County in which the offence was committed for the period of three calendar months. 37 V. c. 32, s. 40.

Penalty for being concerned in any such compromise, etc.

**57.** Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence. 37 V. c. 32, s. 42.

Penalty for tampering with a witness

### *Penalties not to be Remitted.*

**58.** No Police Magistrate or Justice or Justices of the Peace, License Commissioner or Inspector, or Municipal Council or Municipal officer, shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act. 37 V. c. 32, s. 41; 40 V. c. 18, s. 19.

Penalties or punishments not to be remitted.

### *Recovery of Penalties by Distress.*

**59.** For the recovery of the penalties in money under this Act, and legal costs, upon and after conviction in cases not appealable, and in cases appealable where an appeal has not been perfected according to law, it shall be lawful for any Justice, Justices or Police Magistrate to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the person or persons convicted; and in case no sufficient distress is found to satisfy the said conviction, then in cases not otherwise provided for by this Act, it shall be lawful for the said Justice, Justices or Police Magistrate to order that the person or persons so convicted be imprisoned in any Common Gaol or Gaol or Lock-up House, within the County in which such conviction was made, for any period not exceeding thirty days, unless the penalty and all costs are sooner paid. 37 V. c. 32, s. 43.

Penalties and costs, how recoverable.

### *Application of Penalties.*

(See also Sec. 34.)

**60.** The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting Justice, Justices, or Police Magistrate in the case, and shall by him, or them, in case the Inspector or any officer appointed by the Lieutenant-Governor or by the License Commissioners, is the prosecutor or complainant, be paid to the Inspector as provided in section thirty-five, and in case such Inspector or

Application of penalties.

officer is not the prosecutor or complainant, then the same shall be paid to the Treasurer of the Municipality wherein the offence was committed. 37 V. c. 32, s. 43; 39 V. c. 26, s. 18.

Municipalities  
to set apart a  
third.

**61.** The Council of every Municipality shall set apart not less than one-third part of such fines or penalties received by the said Municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-laws passed in pursuance thereof. 37 V. c. 32, s. 43.

#### POWERS OF COUNTY JUDGE.

##### *Revocation of Licenses improperly obtained.*

Power of  
County Judge  
as to licenses  
improperly ob-  
tained or  
licensee con-  
victed.

**62.** The Judge of the County Court of the County in which any Municipality is situate in any part of which a license granted is intended to take effect, upon the complaint of any person that such license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said Municipality, or that such license has been obtained by any fraud, or that the person licensed has been convicted on more than one occasion of any violation of the provisions of the fifty-third section of this Act, or has been convicted on three several occasions of any violation of any of the provisions of this Act, whether the offences in respect of which such convictions were made were the same or different in their character, so long as such convictions were for offences committed on different days, shall summon the person to whom such license issued to appear, and shall proceed to hear and determine the matter of the said complaint in a summary manner, and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license upon any of the causes aforesaid, ought to be revoked, and thereupon shall order and adjudge that such license is and stands revoked and cancelled accordingly, and thereupon such license shall be and become inoperative and of none effect, and the person to whom such license issued shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act. 37 V. c. 32, s. 37; 40 V. c. 18, s. 18.

##### *Investigation of Negligence of Inspector.*

Power of  
County Judge  
as to Inspec-  
tors neglecting  
their duties.

**63.** The Judge of the County Court of the County in respect of any part of which any Inspector or Inspectors of Licenses is or are appointed, upon a complaint made by any person that any such Inspector is guilty of wilfully neglecting to do or observe, or of wilfully doing any act, matter or thing contrary to his duty as such Inspector, shall summon such Inspector to appear, and shall proceed to hear and determine the matter of the said complaint; and upon such hearing, or in default of appearance of the said Inspector being duly summoned, may determine that such Inspector is guilty of the matter com-



plained of, and ought to be removed from his said office of Inspector, and shall order the same accordingly, and thereupon such person shall no longer be Inspector, and shall thereafter, for the full period of two years, be disqualified from being or becoming an Inspector of Licenses. 37 V. c. 32, s. 38.

*Procedure in such cases.*

**64.** The complaint in the sixty-second and sixty-third sections mentioned, may be by a short petition to the Judge entitled "In the County Court of the County of ———, and "In the matter of the license granted to ——— (*naming the defendant*)," (or, "In the matter of ———, Inspector of Licenses for the ——— Riding of the County of ———,") praying for the revocation of the said license, (or the removal of the Inspector, as the case may be,) and upon hearing the evidence adduced, or upon default of appearance of the prosecutor or defendant, the Judge may dismiss the matter of the complaint, or make such order as he deems just, with or without costs to be paid by the prosecutor or defendant; and the order on adjudication of the said Judge shall be final and conclusive, and shall not be the subject of appeal or revision by any Court whatever. 37 V. c. 32, s. 38; 40 V. c. 18, s. 18 (2).

Procedure under ss. 62, 63.

PROSECUTIONS.

**65.** All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, (within thirty days after the commission of the offence, or after the cause of action arose, and not afterwards,) before any Justice of the Peace for the County or District in which the offence is alleged to have been committed, or in Cities and Towns where there is a Police Magistrate, before such Police Magistrate, but may be made without any oath or affirmation to the truth thereof, and the same may be according to the form of Schedule C to this Act or to the like effect. 40 V. c. 18, s. 21 (1).

Information.

When to be laid.

Before whom.

Form.

**66.** Any person may be prosecutor or complainant in prosecutions under this Act. 37 V. c. 32, s. 47.

Any person may be prosecutor, etc.

**67.** No License Commissioner or Inspector of Licenses who is a Justice of the Peace, shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act committed within the limits of the License District for which he is a Commissioner or Inspector; but this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a County. 40 V. c. 18, s. 38.

License Commissioners or Inspectors who are Justices of the Peace prohibited from trying certain complaints.

**68.** All prosecutions for the punishment of any offence against any of the provisions of sections thirty-nine, forty, forty-three, forty-four, forty-five, forty-seven, fifty-one and fifty-

Certain prosecutions to be before two or more Justices

or Police Magistrate.

32-3 V. c. 31  
(D).

Evidence to be taken in writing.

All other prosecutions may be before one or more Justices or a Police Magistrate.

Mode of procedure.  
Rev. Stat.  
c. 74.

Prosecutions under resolutions of License Commissioners, imposing penalties.

Rev. Stat.  
c. 174, s. 407.

three of this Act, or any section for the contravention of which a penalty or punishment is prescribed by section fifty-one, whether the prosecution is for the recovery of a penalty or for punishment by imprisonment, may take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the County or District in which the offence is committed, or in Cities and Towns where there is a Police Magistrate, before the Police Magistrate of the City or Town, who, shall have authority to hear and determine any case in which the offence is alleged to have been committed within the County (for judicial purposes) wherein such City or Town is situate, in a summary manner, according to the provisions and after the forms contained in and appended to the Act of Parliament of Canada, entitled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders*," which Act, and the Acts already passed, or which may be hereafter passed, amending the same, shall be held to apply to all prosecutions and proceedings under this Act, so far as consistent with this Act.

2. The Justices or Police Magistrate shall in all cases reduce to writing the evidence of the witnesses examined before them, or him, and shall read the same over to such witnesses, who shall sign the same. 40 V. c. 18, s. 20.

**69.** All prosecutions under this Act, other than those mentioned in section sixty-eight, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's Justices of the Peace in and for the County where the forfeiture took place, or the penalty was incurred, or the offence was committed or wrong done, and in Cities and Towns in which there is a Police Magistrate, before the Police Magistrate; and the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace*. 37 V. c. 32, s. 45; 40 V. c. 18, s. 21 (1).

**70.** In all cases where the Board of License Commissioners in Cities passes a resolution in pursuance of the powers conferred upon them by the fourth and fifth sections of this Act, and in and by any such resolution, penalties are imposed for the infraction thereof, such penalties may be recovered and enforced by summary proceedings before the Police Magistrate (if any), or before any Justice of the Peace having jurisdiction, in the manner and to the extent that by-laws of Municipal Councils may be enforced under the authority of "*The Municipal Act*," and the convictions in such proceedings may be in the form set forth in section four hundred and seven of the said last mentioned Act. 37 V. c. 32, s. 48.

#### APPEALS.

##### *In cases under Section 51.*

Right of appeal in cases under s. 51,

**71.** In all cases of prosecution for any offence against any of the provisions of this Act, for which any penalty or punish-

ment is prescribed by the fifty-first section of this Act, the conviction or order of the said Justices or Police Magistrate, as the case may be, shall, except as hereinafter mentioned, be final and conclusive, and, except as hereinafter mentioned, against such conviction or order there shall be no appeal to the Court of General Sessions of the Peace, or to any other Court. 40 V. c. 18, s. 21 (3).

2. An appeal shall lie from a conviction for any offence for which a penalty or punishment is prescribed by the fifty-first section of this Act to the Judge of the County Court of the County in which the conviction is made, sitting in Chambers, without a jury, provided a notice in writing of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions. 40 V. c. 18, s. 21 (4).

Procedure on such appeals.

3. The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal. 40 V. c. 18, s. 21 (5).

Appellant to enter into a recognizance.

or deposit amount of penalty and costs.

4. Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person if in custody, and shall forthwith deliver or transmit by registered letter post-paid, the depositions and papers in the case, with the recognizance or deposit as the case may be, to the Clerk of the County Court of the County wherein such conviction was had. 40 V. c. 18, s. 21 (6).

Justices to transmit depositions to Clerk of County Court.

5. The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act. 40 V. c. 18, s. 21 (7).

Rev. Stat. c. 75, to apply.

*In cases other than those under Section 51.*

72. In all cases of prosecutions for any offence against any of the provisions of this Act, other than those for which any

Appeal from convictions other than for

those under  
s. 51.

Rev. Stat  
c. 74.

penalty or punishment is prescribed by the said fifty-first section, an appeal shall lie from any order or conviction, in the same manner and to the same extent as is provided in and by *The Act respecting Summary Convictions before Justices of the Peace.* 37 V. c. 32, s. 46 ; 40 V. c. 18, s. 24.

#### PROCEDURE IN CASES WHERE PREVIOUS CONVICTION CHARGED,

Proceedings  
in cases where  
a previous  
conviction  
charged.

**73.** The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows :

1. The Justices or Police Magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly ; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question the Justices or Police Magistrate shall then inquire concerning such previous conviction or convictions.

Number of pre-  
vious convic-  
tions, how  
proved.

2. The number of such previous convictions shall be proved by the production of a certificate under the hand of the convicting Justices or Police Magistrate, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence.

Previous con-  
victions need  
not be charged.

3. A conviction may in any case be had as for a first offence notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

Offences on  
same day.

4. Convictions for several offences may be made under this Act, although such offences may have been committed on the same day : but the increased penalty or punishment hereinbefore imposed shall only be recoverable in the case of offences committed on different days ; and after information laid for a first offence.

In case of a  
second or sub-  
sequent convic-  
tion be-  
coming irreg-  
ular by  
quashing of a  
first or pre-  
vious convic-  
tion,

Justices or  
Police Magis-  
trate may  
amend ;

5. In the event of any conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justices or Police Magistrate by whom such second or subsequent conviction was made, may by warrant under his or their hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and



adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance. And amended conviction valid.

6. In case any person who has been convicted of a contravention of any provision of any of the sections of this Act, numbered thirty-nine, forty, forty-one, forty-two or forty-four, or any section for the contravention of which a penalty or punishment is prescribed by section fifty-one, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section fifty-one, and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and in case any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such conviction shall in like manner be deemed a conviction for a third offence, within the meaning of section fifty-one, and may be dealt with and punished accordingly. Second offence: meaning of.  
Third offence. 40 V. c. 18, s. 16.

FORM OF INFORMATION AND OTHER PROCEEDING—  
AMENDMENTS.

74. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping, or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. 40 V. c. 18, s. 22. Description in informations.

75. The forms given in the Schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed by the Schedules new ones may be framed according to those appended to The Act of Canada entitled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders*," or *The Revised Statute respecting the Procedure on Appeals to the Judge of the County Court from Summary Convictions*, or any Acts amending the same respectively—such forms being made short and concise in the mode indicated, in the Schedules to this Act which shall serve as guides so far as the particular case will allow. 32-3 V. c. 31(D) Rev. Stat. c. 75. 40 V. c. 18, s. 36.

Information  
may be  
amended.

**76.** In the event of any variance between the information and evidence adduced in support thereof, the Justice, Justices or Police Magistrate may amend or alter such information, and may substitute for the offence charged therein, any other offence against the provisions of this Act; but if it appears that the defendant has been materially misled by such variance, the said Justice, Justices or Police Magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. 40 V. c. 18 s. 21 (2).

Conviction not  
void for cer-  
tain defects;

**77.** No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice, Justices, or Police Magistrate who made or signed the same, and provided there is evidence to prove such offence, and it can be understood from such conviction, warrant, or process, that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. 40 V. c. 18, s. 23 (1).

May be  
amended

2. Upon any application to quash such conviction, or warrant enforcing the same, or other process or proceeding whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. 40 V. c. 18, s. 23 (2).

#### EVIDENCE, &c.

License, how  
proved.

**78.** In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate under the hand of the License Inspector of the District shall be *prima facie* proof of the existence of a license, and of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the License Inspector, without any proof of his appointment or signature. 40 V. c. 18, s. 31.

**79.** Any resolution of the Board of License Commissioners passed under the fourth and fifth sections of this Act, shall be sufficiently authenticated by being signed by the Chairman of the Board which passed the same ; and a copy of any such resolution written or printed, and certified to be a true copy by any member of such Board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original regulation has been forged. How each regulation authenticated, etc.  
**37 V. c. 32, s. 49.**

**80.** Any house, shop, room, or other place in which are proved to exist a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented or other manufactured liquors are kept or had for the purpose of being sold, bartered or traded in, under the fortieth section of this Act, unless the contrary is proved by the defendant in any prosecution ; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein. Places in which the sale of liquors is presumed.  
**37 V. c. 32, s. 50 ; 39 V. c. 26, s. 22.** Presumption as to occupant

**81.** In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the Justices, Police Magistrate, or Court hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place ; and proof of consumption or intended consumption of liquor on premises under license or in respect to which a license is required under this Act, by some person other than the occupier of said premises, shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same, as against the holder of the license or the occupant of the said premises. Evidence as to sale, etc., of liquor.  
**39 V. c. 26, s. 21.**

**82.** In Cities, Towns and incorporated Villages, in all cases where any person or persons other than members of the family or household of the keeper of a licensed tavern or saloon, is or are found frequenting or present, or gas or other light is seen burning in the bar-room of such tavern or saloon, where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquors by the keeper of such tavern or other place has taken place contrary to the provisions of the forty-third section of this Act ; and Persons or lights in bar-rooms at prohibited times, when so proved, to be prima facie evidence of illegal sale of liquor.

such keeper may thereupon be convicted of an offence against said section, and shall, upon conviction, be subject to the punishment prescribed in and by the fifty-second section of this Act. 37 V. c. 32, s. 51.

Liability of  
occupants.

**83.** The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed in the fifty-first and fifty-second sections of this Act, as the case may be, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant, and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant. 37 V. c. 32, s. 52; 40 V. c. 18, s. 25.

In prosecution for sale without license certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

**84.** In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the Justices or Police Magistrate trying the case, so soon as it appear to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly. 27-8 V. c. 18, s. 39 (1).

Proof of being licensed to rest on the defendant.

**85.** In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully.

Evidence of license.

**2.** The production of a license which on its face purports to be duly issued and which, were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine. 37 V. c. 32, s. 53.



*Witnesses.*

**86.** In any prosecution under this Act the Justice, Justices, <sup>Witnesses</sup> or Police Magistrate trying the case may summon any person <sup>summoned and</sup> represented to him or them as a material witness in relation <sup>not appearing,</sup> thereto; and if such person refuses or neglects to attend pursu- <sup>may be</sup> ant to such summons, the Justice, Justices, or Police Magistrate <sup>brought up by</sup> may issue his or their warrant for the arrest of such person; <sup>warrant.</sup> and he shall thereupon be brought before the Justice, Justices, or Police Magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the Common Gaol of the County, there to remain until he consents to be sworn or to affirm, and to answer. 27-8 V. c. 18, s. 39 (2).

**87.** Any person summoned as a party to, or as a witness in <sup>Production of</sup> any proceeding under this Act, may, by the summons, be re- <sup>books, etc.,</sup> quired to produce, at the time and place appointed for his <sup>may be</sup> attendance, all books and papers, accounts, deeds and other <sup>ordered.</sup> documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production: and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case. 40 V. c. 18, s. 32.

## CIVIL REMEDIES AGAINST TAVERN KEEPERS, &amp;C.

**88.** Wherever in any inn, tavern, or other house or place <sup>Liability of</sup> of public entertainment, or wherein refreshments are sold, or <sup>innkeepers or</sup> in any place wherein intoxicating liquor of any kind is sold, <sup>persons in</sup> whether legally or illegally, any person has drunk to excess of <sup>their employ,</sup> intoxicating liquor of any kind, therein furnished to him, and <sup>etc., who give</sup> while in a state of intoxication from such drinking has come <sup>liquor to</sup> to his death by suicide, or drowning, or perishing from cold, or <sup>persons who</sup> other accident caused by such intoxication, the keeper of such <sup>become intox-</sup> inn, tavern, or other house or place of public entertainment, <sup>icated and</sup> or wherein refreshments are sold, or of such place wherein in- <sup>commit suicide</sup> toxicating liquor is sold, and also any other person or persons <sup>or perish from</sup> who for him or in his employ delivered to such person the <sup>cold, etc.</sup> liquor whereby such intoxication was caused, shall be jointly and severally liable to an action as for personal wrong, (if brought within three months thereafter, but not otherwise,) by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action <sup>Form of action</sup> against them or a separate action against either or any of them, <sup>against them.</sup> and by such action or actions may recover such sum not less than one hundred nor more than one thousand dollars, in the aggregate of any such actions, as may therein be assessed by the Court or jury as damages. 27-8 V. c. 18, s. 40.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

**89.** If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication,—if such furnishing was in violation of this Act, or otherwise in violation of law,—shall be jointly and severally liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them. 27-8 V. c. 18, s. 41.

Husband, wife, &c., may notify sellers of liquor not to furnish it to any person addicted to drinking.

**90.** The husband, wife, parent, brother, sister, guardian or employer of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—may give notice in writing, signed by him or her, to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, the person giving the notice may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than twenty nor more than five hundred dollars, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives. 27-8 V. c. 18, s. 42.

Liability of persons so notified.

Married woman may bring action for damages.

Money paid for liquor sold contrary to this Act may not be recovered.

Securities, &c. for payment to be void.

**91.** Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received without any consideration, and against law, equity, and good conscience—and the amount or value thereof may be recovered from the receiver by the party who made the same; and all sales, transfers, conveyances, liens and securities of every kind, in whole or part, made, granted or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so fur-

nished in contravention of this Act, or otherwise in violation of law. 27-8 V. c. 18, s. 43.

#### OFFICERS TO ENFORCE THE LAW, THEIR DUTIES AND POWERS.

**92.** The Lieutenant-Governor may appoint one or more Provincial officers whose duty it shall be to enforce the provisions of this Act, and especially for the prevention of traffic in liquor by unlicensed houses. 37 V. c. 32, s. 54.

Lieutenant-Governor may appoint officers to enforce this Act.

**93.** The License Commissioners, with the sanction of the Lieutenant-Governor in Council, may appoint one or more officers to enforce the provisions of this Act, and especially for the prevention of traffic in liquor by unlicensed houses, and shall fix the security to be given by such officers for the efficient discharge of the duties of their office, and every such officer or officers shall, within the License District for which he is appointed, possess and discharge all the powers and duties of Provincial officers appointed under the next preceding section. 39 V. c. 26, s. 23.

Appointment of officers by License Commissioners.

**94.** Every officer so appointed under this Act, every policeman, or constable, or Inspector of Licenses, shall be deemed to be within the provisions of this Act; and when any information is given to any such officer, policeman, constable or Inspector that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and enter complaint of such violation before the proper Court, without communicating the name of the person giving such information; and it shall be the duty of the Crown Attorney, within the County in which the offence is committed, to attend to the prosecution of all cases committed to him by an Inspector or officer appointed under this Act by the Lieutenant-Governor. 37 V. c. 32, s. 55.

Officers within this Act.

Duties of officers and County Attorneys on receiving information of infringement of this Act.

**95.** Any officer, policeman or constable, or Inspector of Licenses may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any inn, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid. 40 V. c. 18, s. 26.

Right of search granted.

2. Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or at-

Penalty for refusing to admit officer.

tempts to obstruct the entry of such officer, policeman, constable, or Inspector, or any such searches as aforesaid, shall be liable to the penalties and punishments prescribed by section fifty-one of this Act. 40 V. c. 18, s. 26.

Search warrant may be granted.

**96.** Any Justice of the Peace or Police Magistrate, if satisfied by information on the oath of any such officer, policeman, constable or Inspector, that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of the Justice or Magistrate, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of the fortieth section of this Act. 40 V. c. 18, s. 26.

Unlawful keeping of liquor to be evidence of illegal dealings therein.

Duty of constables and others to prosecute offenders.

**97.** It shall be the duty of every officer, policeman, constable, or Inspector of Licenses in each Municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such officer, policeman, constable or Inspector shall incur a penalty of ten dollars for each and every such neglect and default. 37 V. c. 32, s. 57.

Penalty for neglect.

#### UNORGANIZED DISTRICTS.

This Act to apply to the territorial and unorganized districts.

**98.** Subject to the provisions as hereinafter contained, the preceding provisions of this Act shall apply to all portions of Judicial, Territorial and other unorganized Districts of this Province; and in any prosecution or proceeding thereunder the Stipendiary Magistrate in any such District shall possess and exercise all the powers and jurisdictions of the Police Magistrate, or other convicting Justice or Justices of the Peace, under this Act; and the Lock-up of such District shall be deemed to be a Gaol for the purpose of imprisonment under this Act; and any money penalty imposed and recovered shall, where the Inspector is not the prosecutor, or the offence was not committed within any Municipality, be paid to the Treasurer of Ontario; and the provisions of this Act, applicable to Township



Municipalities, shall apply to all Municipalities organized under *The Act respecting the Establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.* 37 V. c. 32, s. 59; 39 V. c. 26 s. 25 last clause. Rev. Stat. c. 175.

**99.** The Lieutenant-Governor in Council may declare any portion of a Judicial or Territorial District which is not within the jurisdiction of a municipal County, a License District, for the purposes of this Act, and the Lieutenant-Governor may appoint therefor a Board of License Commissioners and one or more Inspectors. 40 V. c. 18, ss. 1 & 34 (1). Licensed districts in Judicial or Territorial Districts.

**100.** In any License District so formed an appeal shall lie from any decision of the Stipendiary Magistrate in any prosecution or proceeding under this Act, to the Judge of such District, or to any County Judge to whom an appeal lies in other matters in such District. 40 V. c. 18, s. 34 (2). Appeal from Stipendiary Magistrates.

**101.** In such portions of Judicial or Territorial Districts as are not within the jurisdiction of any municipal County, and have not been included in any License District, under the provisions of section ninety-nine, the Lieutenant-Governor may appoint one or more persons as Commissioners and Inspectors respectively for the granting of such number of tavern and shop licenses to such persons, for such places and periods, and upon such conditions as may be prescribed by Order in Council, such licenses to take effect from the first day of June in each year. Appointment of Commissioners, &c., in Districts not within the jurisdiction of municipal councils or a licensed district.

2. For any such tavern or shop license, the duty payable shall be the sum of sixty dollars. 39 V. c. 26, s. 25. Duties payable.

**102.** The licenses to be issued for the sale of spirituous, fermented or other manufactured liquors, in any place not within a License District, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council from time to time directs, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may direct to be taken from any person obtaining a license under this Act for any such place, conditioned for the observance of the law and of all regulations to be made under this section, shall be valid, and may be enforced according to its tenor. 37 V. c. 32, s. 60. Issue of licenses for places not within license district.

**103.** Any Municipal Corporation within any Judicial or Territorial District shall have the like authority in respect of taverns and shops therein, and the licenses therefor, as the like Corporations in municipal Counties possess under the provisions of this Act. 39 V. c. 26, s. 25. Powers of municipal corporations.

## MUNICIPALITIES UNDER THE TEMPERANCE ACTS.

27-8 V. c. 78,  
and Rev. Stat.  
c. 182, not  
affected by  
this Act.

**104.** Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of "*The Temperance Act of 1864*" of the late Province of Canada, or "*The Temperance Act of Ontario*;" and no tavern or shop license shall be issued or take effect within any County, City, Town, incorporated Village, or Township in Ontario within which any by-law for prohibiting the sale of liquor under the said Acts is in force. 39 V. c. 26, s. 27 (1).

Commissioners  
and Inspectors  
may be ap-  
pointed where  
said Acts  
in force.

**105.** The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole of any County, nominate a Board of Commissioners of the number, and for the period mentioned in the third section of this Act, and also an Inspector; and the said Board and Inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act. 39 V. c. 26, s. 27 (2).

Duties of in  
such case.

27-8 V. c. 18;  
Rev Stat.  
c. 182.

**106.** The Board of Commissioners and the Inspector so appointed under this Act shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of "*The Temperance Act of 1864*" and "*The Temperance Act of Ontario*," as well as of this Act, so far as the same apply, within the limits of any County, City, incorporated Village or Township in which any by-law under the said Acts is in force. 39 V. c. 26, s. 27 (3).

Wholesale  
licenses.

27-8 V. c. 18;  
Rev Stat.  
182.

**107.** A wholesale license to be obtained under and subject to the provisions of this Act, shall be necessary, in order to authorize or make lawful any sale of liquor in the quantities allowed under the provisions of "*The Temperance Act of 1864*" and "*The Temperance Act of Ontario*." 40 V. c. 18, s. 30 (2). See also Rev. Stat. c. 182, s. 13 (4).

Prosecutions  
where Tem-  
perance Acts  
in force.

**108.** The sale of liquor without license in any Municipality where "*The Temperance Act of 1864*" and "*The Temperance Act of Ontario*" are in force shall nevertheless be a contravention of sections thirty-nine and forty of this Act, and the several provisions of this Act shall have full force and effect in every such Municipality except in so far as such provisions relate to granting licenses for the sale of liquor by retail. 40 V. c. 18, s. 30 (1).

Expenses in  
such case.

**109.** All expenses incurred in carrying the provisions of the last five preceding sections into effect shall be borne and paid in the proportion of one-third by the Province out of the Consolidated Revenue Fund, and two-thirds by the Municipality

within which any such by-law is in force, in cases where there is no License Fund under this Act; and the proportion of such expenses payable by the Municipality shall become due and payable in one month after the same has been audited by the Provincial Treasurer, and after the Board of License Commissioners has requested payment of the same by notice in writing to the Clerk of the Municipality. 39 V. c. 26, s. 27 (4); 40 V. c. 18, s. 35.

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## SCHEDULE "A."

(Section 22.)

### FORM OF BOND BY APPLICANT FOR A TAVERN LICENSE.

Know all men by these presents, that we, T. U., of \_\_\_\_\_, V. W., of \_\_\_\_\_ and X. Y., of \_\_\_\_\_, are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of four hundred dollars of good and lawful money of Canada—that is to say, the said T. U., in the sum of two hundred dollars, the said V. W., in the sum of one hundred dollars, and the said X. Y., in the sum of one hundred dollars of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep a tavern or house of entertainment in the \_\_\_\_\_ of \_\_\_\_\_; the condition of this obligation is such, that if the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any tavern or house of public entertainment, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness thereof, we have signed these presents with our hands, and sealed them with our seals, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. one thousand eight hundred and \_\_\_\_\_

T. U. [L. S.]  
V. W. [L. S.]  
X. Y. [L. S.]

Signed, sealed and delivered }  
in the presence of us }

39 V. c. 26, Schedule A.

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## SCHEDULE "B."

(Section 23.)

## FORM OF BOND BY APPLICANT FOR A SHOP LICENSE.

Know all men by these presents, that we, T. U., of \_\_\_\_\_ V. W. of \_\_\_\_\_, and X. Y., of \_\_\_\_\_, are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of four hundred dollars of good and lawful money of Canada—that is to say, the said T. U. in the sum of two hundred dollars, the said V. W. in the sum of one hundred dollars, and the said X. Y. in the sum of one hundred dollars of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep a shop wherein liquor may be sold by retail in the \_\_\_\_\_ of \_\_\_\_\_; the condition of this obligation is such, that if the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any shop wherein liquor may be sold by retail, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf; then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. one thousand eight hundred and \_\_\_\_\_

T. U. [L. S.]  
V. W. [L. S.]  
X. Y. [L. S.]

Signed, sealed and delivered }  
in the presence of us }

39 V. c. 26, Sched. B.

## SCHEDULE "C."

(Section 65 and 75.)

## GENERAL FORM OF INFORMATION.

ONTARIO, } THE INFORMATION of A. B. of the Township of York,  
County of York, } in the County of York, License Inspector, laid before  
To Wit: } me C. D., Police Magistrate, in and for the City of  
Toronto [or one of Her Majesty's Justices of the Peace, in and for the  
County of York], the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one  
thousand eight hundred and \_\_\_\_\_

The said informant says, he is informed and believes that X. Y. on  
the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one  
thousand eight hundred and \_\_\_\_\_, at the Township of York, in  
the County of York, unlawfully did sell liquor without the license there-  
for by law required [or as the case may be—See forms in Schedule D].

A. B.

Laid and signed before me the  
\_\_\_\_\_ day and year, and at the place /  
first above mentioned. }

C. D.,  
P. M. or J. P.



## SCHEDULE D.

(Section 75.)

## FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed.* (Section 37.)

"That X. Y. having a license by wholesale [or a shop, or a tavern, or a vessel license] on at unlawfully and wilfully (or negligently) omitted to expose the said license in his warehouse [or shop, or in the bar-room of his tavern, or in the bar-saloon, or bar-cabin of his vessel,] as the case may be].

2. *Neglecting to exhibit notice of license.* (Section 38.)

"That X. Y. being the keeper of a tavern [or inn or house or place of public entertainment] in respect of which a tavern license has duly issued and is in force on at unlawfully did not exhibit over the door of such tavern [or inn, &c.,] in large letters the words, 'Licensed to sell wine, beer, and other spirituous or fermented liquors,' as required by 'The Liquor License Act.'"

3. *Sale without license.* (Section 39.)

"That X. Y., on the day of in the year of our Lord one thousand eight hundred and at in the County of unlawfully did sell liquor without the license therefor by law required."

4. *Keeping liquor without license.* (Section 40.)

"That X. Y. on at unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. *Sale of liquor on licensed premises during prohibited hours.* (Sections 43 and 52.)

"That X. Y. on at in his premises [or on, or out of, or from, his premises] being a place where liquor may be sold, unlawfully did sell [or dispose of] liquor during the time prohibited by "The Liquor License Act" (or by by-law of the Municipal Council of or of the License Commissioners for the District of or as the case may be,) for the sale of the same, without any requisition for medical purposes as required by said Act being produced by the vendee or his agent."

6. *Allowing liquor to be drunk on licensed premises during prohibited hours.* (Sections 43 and 52.)

"That X. Y. on at in his premises, being a place where liquor may be [or is] sold, by retail [or wholesale] unlawfully did allow [or permit] liquor to be drunk in such place during the time prohibited by "The Liquor License Act" for the sale of the same by a person other than the occupant, or some member of his family, or a lodger in his house."

7. *Sale of less than three half-pints under shop license.* (Section 2 (3).)

"That X. Y. having a shop license on at unlawfully did sell liquor in less quantity than three half-pints."

8. *Sale under wholesale license in less than wholesale quantities.* (Section 2 (4), and 41.)

"That X. Y. having a license to sell by wholesale on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did sell liquor in less quantity than five gallons [or, than one dozen bottles of three half-pints each, or than two dozen bottles of three-fourths of a pint each]."

9. *Allowing liquor to be consumed in shop.* (Section 45.)

"That X. Y. having a shop license on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did allow liquor sold by him (or in his possession), and for the sale of which a license is required, to be consumed within his shop [or within the building of which his shop forms part, or, within a building which communicates by an entrance with his shop], by a purchaser of such liquor [or, by a person not usually resident within the building of which such shop forms a part]."

10. *Allowing liquor to be consumed on premises under wholesale license.* (Section 46.)

"That X. Y. having a license by wholesale, on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did allow liquor sold by him [or in his possession for sale] and for the sale of which such license is required, to be consumed within his warehouse [or shop, or within a building which forms part of (or is appurtenant to or which communicates by an entrance with a warehouse or shop, or premises) wherein an article to be sold (or disposed of) under such license, is sold by retail (or wherein there is kept a broken package of an article for sale under such license)]."

11. *Illegal sale by druggists.* (Section 42.)

"That X. Y. being a chemist [or druggist] on \_\_\_\_\_ at \_\_\_\_\_ did unlawfully sell liquor for other than strictly medicinal purposes [or sell liquor in packages of more than twelve ounces at one time without a certificate from any registered medical practitioner, or sell liquor without recording the same], as required by "The Liquor License Act."

12. *Illegal sale under vessel license.* (Section 44.)

"That X. Y. being authorized to sell liquor on a vessel called the '*Spartan*,' on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did sell [or dispose of] liquor to be consumed by a person other than a passenger on such vessel while in port [or unlawfully did allow liquor to be consumed on such vessel during the time prohibited by "The Liquor License Act" for the sale of the same without any requisition for medical purposes, as required by said Act]."

13. *Keeping a disorderly house.* (Section 53.)

"That X. Y. being the keeper of a tavern [or ale-house, or beer-house, or house of public entertainment], situate in the City [or Town, or Village, or Township], of \_\_\_\_\_ in the County of \_\_\_\_\_ on \_\_\_\_\_ in his said tavern [or house] unlawfully did sanction [or allow] gambling, [or riotous, or disorderly conduct] in his said tavern [or house]."

14. *Harbouring constables on duty.* (Section 54.)

"That X. Y. being licensed to sell liquor at \_\_\_\_\_ on \_\_\_\_\_ unlawfully and knowingly did harbour [or entertain or suffer to abide and remain on his premises] O. P., a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

15. *Compromising or compounding a prosecution.* (Section 55.)

That X. Y. having violated a provision of "*The Liquor License Act*," on  
at unlawfully did compromise [or compound, or  
settle, or offer, or attempt to compromise, compound or settle], the offence  
with A. B., with the view of preventing any complaint being made in re-  
spect thereof [or with the view of getting rid of or of stopping, or of hav-  
ing the complaint made in respect thereof dismissed, *as the case may be*]."

16. *Being concerned in compromising a prosecution.* (Section 56.)

"That X. Y. on \_\_\_\_\_ at \_\_\_\_\_ unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O. P., against a provision of "The Liquor License Act."

17. *Tampering with a witness.* (Section 57.)

“ That X. Y., on a certain prosecution under “*The Liquor License Act*,” on \_\_\_\_\_ at \_\_\_\_\_ unlawfully did tamper with O. P., a witness in such prosecution before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce O. P., a witness in such prosecution, to absent himself, or to swear falsely].”

18. *Refusing to admit policeman* (Section 95.)

“That X. Y. on the \_\_\_\_\_ at \_\_\_\_\_ being in (or having charge of) the premises of O. P., being a place where liquor is sold [or reputed to be sold], unlawfully did refuse [or fail] to admit [or did obstruct or attempt to obstruct] E. F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E. F., an officer making searches in said premises, and in the premises connected with such place],”

19. *Officer refusing to prosecute.* (Sections 94 and 97.)

"That X. Y. being a police officer [or constable, or Inspector of Licenses] in and for the Township of York, in the County of York, knowing that O. P. had on at \_\_\_\_\_ committed an offence against a provision of "*The Liquor License Act*," unlawfully and wilfully did and still does neglect to prosecute the said O. P., for his said offence."

### SCHEDULE "E."

(Section 75.)

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.

ONTARIO, } THE INFORMATION of A. B., of &c., License Inspector,  
County of York, } laid before me C. D., Police Magistrate in and for  
To Wit: } the City of Toronto [or one of Her Majesty's Justices  
of the Peace in and for the County of York], the day of  
and in the year of our Lord one thousand eight hundred

The said Informant says he is informed and believes that X. Y. on  
at [describe last offence].

And further that the said X. Y. was previously, to wit : on the 15th day of December, A.D. 1876, at the City of Toronto, before C. D., Police Magistrate in and for the City of Toronto [or at the Township of York, in the County of York, before E. F. and G. H., two of Her Majesty's Justices of the Peace for the County of York], duly convicted of having on the 30th day of November, 1876, at the Village of Yorkville, in the County of York, unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further, that the said X. Y. was previously, to wit : on the 28th day of November, A.D. 1876, at the Township of Vaughan, in the County of York, before, &c. [*as in preceding paragraph*], again duly convicted of having, on the 10th day of November, A.D. 1876, at the Township of Etobicoke, in the County of York, having a shop license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance with his shop, by a person not usually resident within the building of which such shop forms a part [*or as the case may be*].

And further, that the said X. Y. was previously, to wit : on the 30th day of October, A.D. 1876, at the Village of Newmarket, in the County of York, before, &c. (*see above*), again duly convicted of having, on the 25th day of September, A.D. 1876, at the Village of Yorkville, in the County of York (being in charge of the premises of O. P., a place where liquor was reputed to be sold), unlawfully failed to admit E. F., an officer demanding to enter in the execution of his duty.

And the Informant says the offence hereinbefore firstly charged against the said X. Y., is his fourth offence against "*The Liquor License Act.*"

A. B.

Laid and signed before me the day  
and year, and at the place first  
above mentioned,

C. D.,  
J. P.

### SCHEDULE "F."

(Section 75.)

#### SUMMONS TO WITNESS.

ONTARIO, }  
County of York, } To J. K., of the City of Toronto, in the County of York,  
To Wit : }

Whereas, information has been laid before me, C. D., one of Her Majesty's Justices of the Peace in and for the County of York, (*or Police Magistrate for the City of Toronto*), that X. Y., being a druggist, on the 10th day of January, A.D. 187 , at the Township of Vaughan, in the County of York, unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the sixteenth day of January, A.D. 187 , at ten o'clock in the forenoon, at the Town Hall, in the Village of Richmond Hill, before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then to produce all and every invoices, day books, cash books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale of liquor by the said X. Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this 12th day of January, A.D. 187 ,  
at the Village of Richmond Hill, in the County of York.

C. D.,  
J. P. (L.S.)

### SCHEDULE "G."

(Section 75.)

#### FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO, }  
County of York, } BE IT REMEMBERED that on the sixth day of January,  
To Wit : } in the year of our Lord one thousand eight hundred  
said County of York, X. Y. is convicted before me, C. D., Police Magis-  
and seventy-seven, at the City of Toronto, in the



trate in for the City of Toronto (*or* before us, E. F. and G. H., two of Her Majesty's Justices of the Peace, in and for the said County), for that he the said X. Y., on the second day of January, in the year of our Lord one thousand eight hundred and seventy-seven, at the Township of York, in the said County, in his premises, being a place where liquor may be sold, unlawfully did sell liquor during the time prohibited by "*The Liquor License Act*" for the sale of the same, without any requisition for medicinal purposes as required by said Act, being produced by the vendee or his agent (*or as the case may be*), A. B. being the informant and I (*or we*) adjudge the said X. Y., for his said offence to forfeit and pay the sum of twenty dollars, to be paid and applied according to law, and also to pay to the said A. B. the sum of six dollars for his costs in this behalf, and if the said several sums be not paid forthwith, then\* I (*or we*) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf\* [*or where the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks\*\* say* "inasmuch as it has now been made to appear to me (*or us*) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," *or* "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress"], I (*or we*) adjudge the said X. Y. to be imprisoned in the Common Gaol for the County of York, at Toronto, in the said County, and there to be kept for the space of *fifteen days*, unless the said sums and the costs and charges of conveying the said X. Y. to the said Common Gaol, shall be sooner paid.

Given under my hand and seal [*or our hands and seals*] the day and year first above mentioned, at the City of Toronto, in the County aforesaid.

C.D., (L.S.)

Police Magistrate,

*or* E.F.

J. P. (L.S.)

G.H.,

J.P. (L.S.)

## SCHEDULE "H."

(Section 75.)

### FORM OF CONVICTION FOR A THIRD OFFENCE.

ONTARIO, } BE IT REMEMBERED that on the twenty-second day of  
County of York, } January, in the year of our Lord one thousand eight  
To wit : } hundred and seventy-seven, in the City of Toronto, in  
the said County, X. Y. is convicted before the undersigned C. D., Police  
Magistrate in and for the City of Toronto, in the said County [*or* C. D.  
and E. F., two of Her Majesty's Justices of the Peace in and for the said  
County], for that he, the said X. Y., on the thirtieth day of December, in  
the year of our Lord one thousand eight hundred and seventy-six, at the  
City of Toronto [*or* Township of Scarborough], in said County (*as the case may  
be*), having violated a provision of "*The Liquor License Act*," unlawfully  
did attempt to settle the offence with A. B., with the view of having the  
complaint made in respect thereof dismissed. And it appearing to me [*or  
us*] that the said X. Y. was previously, to wit: on the 15th day of Decem-  
ber, A.D. 1876, at the City of Toronto, before, &c., duly convicted of  
having, on the 30th day of November, A.D. 1876, at the Village of York-  
ville, unlawfully sold liquor without the license therefor by law required.  
And it also appearing to me [*or us*] that the said X. Y. was previously, to  
wit, on the 28th day of November, A.D. 1876, at the Township of  
Vaughan, before &c., (*see above*) again duly convicted of having, on the  
2nd day of November, A.D. 1876, at the Village of Markham (being the  
keeper of a tavern, situate in the said Village of Markham), unlawfully  
allowed gambling in his said tavern (*or as the case may be*).

I [or we], adjudged the offence of said X. Y. hereinbefore firstly mentioned, to be his third offence against "*The Liquor License Act*," (A. B. being the informant) and I [or we], adjudged the said X. Y. for his said third offence to be imprisoned in the Common Gaol of the said County of York, at Toronto, in the said County of York, there to be kept at hard labour for the space of three calendar months (*or as the case may be*).

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at Toronto, in the County of York.

C. D.	(L. S.)
or C. D.	(L. S.)
E. L.	(L. S.)

## SCHEDULE "I"

(Section 75.)

### WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

ONTARIO. } To ALL or any of the Constables and other Peace Officers  
County of York, } in the said County of York, and to the Keeper of  
To Wit : } the Common Gaol of the said County at Toronto, in  
the County of York.

Whereas, X. Y., late of the City of Toronto, in the said County, was on this day convicted before the undersigned, (C. D., Police Magistrate in and for the City of Toronto [or C. D. and E. F., two of Her Majesty's Justices of the Peace in and for the City of Toronto or County of York, *as the case may be*], for that he, the said X. Y., on at

unlawfully did sell liquor without the license therefor by law required (*state offence as in the conviction*), (A. B. being the informant), and it was thereby adjudged that the said X. Y., for his said offence, should forfeit and pay the sum of (*as in conviction*), and should pay to the said A. B. the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X. Y. should be imprisoned in the Common Gaol of the said County at Toronto, in the said County of York, there to be kept at hard labour for the space of , unless the said several sums and the costs and charges of conveying the said X. Y. to the said Common Gaol should be sooner paid.

And whereas the said X. Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[If a distress warrant issued and was returned no goods, or not sufficient goods, say, "And whereas, afterwards on the 15th day of January, A.D. 1877, I, the said Police Magistrate (or we, the said Justices), issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of and by distress and sale of the goods and chattels of the said X. Y. ;

"And whereas it appears to me (or us) as well, by the return of the said warrant of distress by the constable who had the execution of the same as otherwise, that the said Constable has made diligent search for the goods and chattels of the said X. Y., but that no sufficient distress whereon to levy the said sums could be found."]

[Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then, instead of the foregoing recitals of the issue and return of the distress warrant, &c., say :

"And whereas it has been made to appear to me (or us), that the issuing of a warrant by distress in this behalf would be ruinous to the said X. Y. and his family," or "that the said X. Y. has no goods or chattels whereon to levy the said sums by distress" *as the case may be*].

These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said X. Y., and him safely convey to the Common Gaol aforesaid, at Toronto, in the County of York, and there deliver him to the said Keeper thereof, together with this precept.

And I (or we) do hereby command you the said Keeper of the said Common Gaol to receive the said X. Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of \_\_\_\_\_, unless the said several sums and all the costs and charges of the said distress, amounting to the sum of \_\_\_\_\_, and of the commitment and conveying of the said X. Y. to the said Common Gaol, amounting to the further sum of \_\_\_\_\_ shall be sooner paid unto you the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals), this  
day of \_\_\_\_\_ A.D. 187 \_\_\_\_\_, at Toronto, in the said County of York.

C. D.	(L.S.)
or C. D.	(L.S.)
E. F.	(L.S.)

### SCHEDULE "J."

(Section 75.)

WARRANT OF COMMITMENT FOR SECOND (or THIRD) OFFENCE, WHERE  
PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO, } To ALL or any of the Constables and other Peace Offi-  
County of York, } cers in the said County of York, and to the Keeper  
To Wit : } of the Common Gaol of the said County, at Toronto,  
in the County of York.

Whereas X. Y., late of the \_\_\_\_\_ of \_\_\_\_\_ in the said County, was on this day convicted before the undersigned C. D., &c., (or C. D. and E. F., &c., as in preceding form), for that he, the said X. Y., on at \_\_\_\_\_ (state offence with previous convictions as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus) : "And it was thereby adjudged that the offence of the said X. Y., hereinbefore firstly mentioned, was his second (or third) offence against "The Liquor License Act," (A. B. being the informant). And it was thereby further adjudged that the said X. Y., for his said second (or third) offence, should be imprisoned in the Common Gaol of the said County of York, at Toronto, in the said County of York, and there to be kept at hard labour for the space of three calendar months.

These are therefore to command you the said Constables, or any one of you, to take the said X. Y., and him safely convey to the said Common Gaol at Toronto aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X. Y. into your custody in the said Common Gaol, there to imprison him and to keep him at hard labour for the space of three calendar months.

Given under my hand and seal (or our hands and seals), this  
day of \_\_\_\_\_ A.D. 1877, at Toronto, in the said County of York.

C. D.	(L.S.)
or C. D.	(L.S.)
E. F.	(L.S.)

## CHAPTER 182.

## An Act respecting Municipal Prohibition of the Sale of Intoxicating Liquors.

Short title, s. 1.	When may be repealed, s. 11.
Interpretation, s. 2.	Concurrence in by-laws of a neighbouring Municipality, s. 12.
Power to Municipalities to pass by-laws prohibiting sale of liquors, s. 3.	Restrictions on sale of liquors where by-laws are in force, s. 13.
1. On motion of the Council, s. 5.	Penalties, s. 14.
2. At instance of thirty ratepayers, s. 6.	Prosecutions, ss. 15-32.
Submission to the ratepayers, s. 7.	Application of penalties, s. 33.
Communication to Inspector of Licenses, s. 8.	Costs of prosecutions, s. 34.
Communication of County by-law to Clerks of minor municipalities, s. 9.	No <i>certiorari</i> allowed, s. 35.
Commencement of by-laws, s. 10.	Defects of form, s. 36.
	Officers to enforce this Act, s. 37.
	Provisions of Rev. Stat. c. 181, applicable, ss. 38-42.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Temperance Act of Ontario.*"

## INTERPRETATION, &amp;C.

2. In the construction of this Act,

"Intoxicating liquors."

"Intoxicating liquor" or "Intoxicating liquors," wherever those expressions occur in this Act, shall mean and comprehend all spirituous and malt liquors, all wines, and all combinations of liquors or drinks which are intoxicating. 27-8 V. c. 18, s. 50.

## PROVISIONS AS TO LOCAL PROHIBITION.

Every Municipal Council may prohibit the sale of intoxicating liquors.

3. The Municipal Council, of every County, City, Town, Township, or incorporated Village, besides the powers at present conferred on it by law, shall have power at any time to pass a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor within such County, City, Town, Township, or incorporated Village, under authority and for enforcement of this Act, and subject to the provisions and limitations hereby enacted. 27-8 V. c. 18, s. 1.



4. Such by-law shall be drawn up and passed in ordinary form, and shall not have embodied therein any other provision than the simple declaration, that the sale of intoxicating liquors and the issue of licenses therefor is by such by-law prohibited within such County, City, Town, Township, or incorporated Village, under authority and for enforcement of this Act. 27-8 V. c. 18, s. 2.

Form of by-law.

5. Any Municipal Council, when passing such by-law, may order that the same be submitted for approval to the municipal electors of the Municipality; and in that case, the same shall not take effect, unless approved.

May be submitted to electors.

2. Any thirty or more duly qualified municipal electors of any Municipality, or if the by-law is for a County, then of each Municipality in the County, may at any time by a requisition in the form of Schedule A, hereto appended, or to the like effect, signed by them and delivered on their behalf to the Clerk of the Municipality, require that any by-law which the Municipal Council thereof may pass under authority and for enforcement of this Act, at any time within one year from the date of such requisition, be submitted for the like approval; and in that case such by-law shall not take effect unless approved. 27-8 V. c. 18, s. 3.

Any thirty or more electors may require the by-law to be so submitted.

6. Any thirty or more duly qualified municipal electors of any City, Town, Township or incorporated Village, the Council whereof has not passed a by-law under authority and for enforcement of this Act, or after passing has repealed the same, or wherein such by-law, having been submitted for approval, or for adoption (as the case may be), to the electors, either has not been approved or adopted, or after approval or adoption has been repealed, may at any time (not being, in the latter case, less than two full years after such vote of non-approval or non-adoption, or after such repeal), by a requisition in the form of Schedule B, hereto appended, or to the like effect, signed by them and delivered on their behalf to the Clerk of the Municipality, propose a by-law to that end, for adoption by the electors thereof, and require that a poll be taken to determine whether or not they will adopt the same.

In certain cases any thirty electors may propose such by-law, and demand a poll to determine whether it shall be adopted.

2. The Clerk, on receiving any such requisition, shall immediately endorse upon the same a certificate under his hand of the date of the delivery thereof to him; and shall file and keep the same among the records of the Municipal Council of the Municipality. 27-8 V. c. 18, s. 4.

Their requisition to be filed.

7. On the passing of any such order for the submission of a by-law, or the passing of any by-law whereof the submission has been so required, or the receipt of any such requisition for the adoption of a by-law (as the case may be), the Clerk shall forthwith cause such by-law or such requisition for adoption of

Notices of the holding of such poll; and when and where it will be held.

a by-law (as the case may be), to be published for four consecutive weeks in some newspaper published weekly or oftener within the Municipality, or if there is no such newspaper published in the Municipality, then in some newspaper published as near thereto as may be, and also by posting up copies of the same in at least four public places in the Municipality, and if the by-law is for a County, then in at least four public places in each Municipality in the County, with a notice signed by him, signifying that on some day within the week next after such four weeks, at the hour of ten in the forenoon, and at some convenient place (or places if the by-law is for a County), named in the notice, a meeting of the municipal electors of the Municipality (or if the by-law is for a County, then for each Municipality in the County) will be held, for the taking of a poll to decide whether or not the by-law is approved, or is adopted (as the case may be) by such electors.

If it be for a County.

2. If the by-law is for a County, the poll shall not be taken for the whole County at one place, but shall be taken in each of the several Municipalities of the County, respectively.

Who shall preside; and his powers.

3. At the meeting, the Mayor or Reeve of the Municipality in which the same is held—or in his absence such other member of the Municipal Council thereof as may be chosen by the meeting—or if no such member is present, then any municipal elector who may be chosen by the meeting—shall preside, and shall have all the powers for the preservation of the public peace which by law are vested in a Returning Officer or Deputy Returning Officer at a municipal election; and the Clerk of the Municipality shall attend thereat with the last revised assessment roll of the Municipality, or certified copies thereof; and the only business to be transacted shall be the taking of a poll, as signified by such notice.

Clerk to attend with assessment rolls.

How electors shall vote; and what oath they shall take.

4. Each elector desiring to vote shall present himself in turn to the person presiding, and shall give his vote "yea" or "nay"—the word "yea" meaning that he votes for the by-law, and the word "nay" that he votes against the same; and every vote given shall be recorded in a poll-book by the Clerk, or in his absence, by such person as may be named to act as Poll-Clerk by the person presiding; but no person's vote shall be recorded unless he appears by the assessment roll to be a duly qualified municipal elector, and further makes oath (if thereto required), in terms of Schedule C to this Act.

Closing poll for want of voters.

5. If at any time after the opening of the poll, one half hour elapses without a vote being offered, the poll may be closed.

Duration of poll in other cases.

6. Unless for that cause closed earlier, the poll shall be kept open till the hour of five in the afternoon of the day of the opening thereof, and no longer, if the names of the qualified

municipal electors on the assessment roll of the Municipality are not more than four hundred in number; and until the like hour of the next day (Sundays and holidays excluded), if such names are more than four hundred and not more than eight hundred in number; and so on, allowing one additional day for each additional four hundred names.

7. Until closed pursuant to one or other of the foregoing sub-sections, the poll shall be adjourned daily at the hour of five in the afternoon, to the hour of ten in the forenoon of the next day, Sundays and holidays excluded.

Adjourning  
polls.

8. At the close of the poll, the person presiding shall count the "yeas" and the "nays," and ascertain and certify on the face of the poll-book the number of votes given for and against the by-law respectively; and such certificate shall be countersigned by the Poll-Clerk; and the poll-book, with such certificate therein, shall be deposited with and kept by the Clerk of the Municipality to be affected by the by-law, among the records of the Municipal Council thereof.

Counting the  
votes and cer-  
tifying the  
result.  
Deposit of poll-  
book.

9. If the by-law is for a County, the Warden of the County, so soon as the poll-books of the several Municipalities therein are so deposited, shall count and add up from each poll-book the total number of the "yeas" and of the "nays," respectively, in all the Municipalities forming such County, and shall certify the same in writing; and the certificate shall be countersigned by the Clerk of the County, and shall be deposited and kept with the poll-books among the records of the County Council.

If the by-law  
is for a  
County.

10. If one-half or more of all the votes polled are against the by-law, the by-law shall be held to be not approved, or not adopted, as the case may be.

Majority re-  
quired for  
adoption.

11. If more than half of all the votes polled are for the by-law, the same shall be held to be approved, or adopted, as the case may be.

The same.

12. A by-law so approved, or adopted, as the case may be, may be repealed by a by-law of the Municipal Council of the Municipality affected thereby; but such repealing by-law shall be submitted for approval to the electors, in the manner and with the formalities prescribed by the foregoing sub-sections, and shall not take effect unless approved by a majority of the electors voting thereon; nor, if any such repealing by-law (upon being submitted to the electors) is not so approved, shall any other repealing by-law be submitted, for the like approval, within the full term of two years thereafter. 27-8 V. c. 18, s. 5.

By-law so  
adopted may  
be repealed;  
but in a cer-  
tain manner  
only and on  
certain condi-  
tions.

Copy to be delivered to Inspector of Licenses.

8. Every by-law passed under authority and for enforcement of this Act, shall be communicated by delivery of a copy thereof, certified by the Clerk, to the Inspector of Licenses within whose official district the Municipality affected thereby is situate.

Certificate to be endorsed.

2. Wherever such by-law has been approved by the electors, there shall be endorsed or written upon the copy so delivered, a certificate of the fact, under the hand of the Clerk, in the form of Schedule D, hereto appended, or to the like effect.

Certified copies of by-law to be evidence.

3. Wherever such by-law has been adopted by the electors, a copy of the requisition therefor, certified by the Clerk, together with a certificate under his hand thereon endorsed or written, of the fact of its adoption, in the form of Schedule E, hereto appended, or to the like effect, shall be taken as a duly certified copy of the by-law, for all purposes of such delivery, and for all other purposes whatever. 27-8 V. c. 18, s. 6. See 39 V. c. 26, s. 27 (3).

Copy to the Clerk of each Municipality in the County.

9. Every such County by-law shall also, at the same time, be communicated by the like delivery to the Clerk of each Municipality in the County, who shall file and keep the same among the records of the Municipal Council thereof. 27-8 V. c. 18, s. 7.

When the by-law shall come into force.

10. Every by-law passed under authority and for enforcement of this Act, shall come into force from the first day of May next after the final passing thereof; and every such by-law shall continue in force until the first day of May next after the repeal thereof; but this provision shall not affect any question as to the validity of any by-law passed before the second day of March, 1877, or the time at which any by-law voted on before the first day of May, 1877, is to go into effect.

Its duration.

If there is a by-law of a minor Municipality in force,

2. If at the time of the coming into force of any County by-law, passed under authority and for enforcement of this Act, there is in force within any Municipality forming part of such County, any other by-law passed under authority and for enforcement of this Act, the operation of such last-mentioned by-law shall be and remain suspended for so long as the County by-law continues in force, but shall revive, in default of express repeal thereof, if the County by-law is repealed. 27-8 V. c. 18, s. 8; 40 V. c. 8, s. 72.

Not to be repealed within a certain time.

11. No such by-law shall be repealed within the full term of one year from the day upon which the same came into force. 27-8 V. c. 18, s. 9; 40 V. c. 8, s. 72.

Concurrence of neighbouring Municipalities.

12. The Municipal Councils of any two or more neighbouring Municipalities, wherein any such by-law is in force, may



each of them, by a further by-law, concur in and confirm mutually such by-law or by-laws of the other or others of such Municipalities.

2. Such further by-law shall not have embodied therein any other provision than the simple declaration that the by-law or by-laws of the neighbouring Municipality or Municipalities in question are thereby concurred in confirmed.

3. Such further by-law shall be submitted for approval to the electors, in the manner and with the formalities prescribed by the seventh section of this Act, and shall not take effect unless approved by a majority of the electors voting thereon.

4. No by-law so mutually concurred in and confirmed shall thereafter be repealed, unless with the like concurrence in and confirmation of such repeal, on the part of the Municipalities in question. 27-8 V. c. 18, s. 10; *See* 40 V. c. 8, s. 72.

**13.** From the day on which any by-law passed under authority and for enforcement of this Act, takes effect and for so long thereafter as the same continues in force, No license to be issued while a prohibitory liquor

(a.) No license shall be issued to take effect within the County, City, Town, Township, or incorporated Village affected by such by-law—either any tavern license, that is, a license for the retail of spirituous, fermented or other manufactured liquors to be drunk in the inn, ale-house, beer-house, or other house of public entertainment in which the same are sold, or any shop license, that is, license for the retail of such liquors in shops, stores or places other than inns, ale-houses, beer-houses or places of public entertainment. 27-8 V. c. 18, s. 11.

(b.) No person, unless it be for exclusively medicinal or sacramental purposes, or for *bona fide* use in some art, trade or manufacture, or as hereinafter authorized by the third or the fourth sub-section of this section, shall, within such County, City, Town, Township, or incorporated Village, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or by any device, sell or barter, or, in consideration of the purchase of any other property, give to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating ;

2. And neither any license issued to any distiller or brewer, —nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, —nor yet any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spiri-

tuous liquors,—nor yet any other description of license whatever,—shall in anywise avail to render legal any act done in violation of this section ;

Not to prevent sale in quantities of five gallons by licensed persons at place of manufacture.

Proviso in favour of brewers.

3. But any licensed distiller or brewer, having his distillery or brewery within such County, City, Town, Township or incorporated Village, may thereat expose and keep for sale such liquor as he has manufactured thereat, and no other ; and may sell the same thereat, notwithstanding anything in this Act contained, but only in quantities not less than five gallons at any one time, to be wholly removed and taken away therefrom in quantities not less than five gallons at a time ; and any such licensed brewer may sell bottled ale or porter of such manufacture, in quantities not less than one dozen bottles of at least three half-pints each, at any one time, to be wholly removed and taken away in quantities not less than one dozen such bottles at a time.

Proviso in favour of merchants, for sale in certain quantities.

Rev. Stat. c. 181, s. 107.

4. Any merchant or trader having obtained a wholesale license pursuant to "*The Liquor License Act*," and having his store or place for sale of goods within such County, City, Town, Township or incorporated Village, may thereat keep for sale and sell intoxicating liquor, notwithstanding anything in this Act contained, but only in quantities of not less than five gallons in each cask or vessel, (or in the case of bottled ale, porter, beer, wine, or other fermented or spirituous liquor, not less than one dozen bottles of at least three half-pints each), at any one time, to be wholly removed and taken away in quantities not less than those above mentioned at a time. 27-8 V. c. 18, s. 12. 40 V. c. 18, s. 30 (2).

#### PENALTIES AND PROSECUTIONS.

Selling personally or by the intervention of others, forbidden, etc.

14. Whoever by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretence, or by any device, sells or barters, or, in consideration of the purchase of any other property, gives to any other person any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage, and a part of which is spirituous, or otherwise intoxicating, in violation of the thirteenth section of this Act, shall incur a penalty of not less than twenty nor more than fifty dollars for each such offence ; and whoever in the employment, or on the premises of another, so exposes or keeps for sale, or sells, or barters, or gives, in violation of the said section, shall be held equally guilty with the principal, and shall incur the same penalty. 27-8 V. c. 18, s. 13.

Penalty.

The agent equally guilty with the principal.

Interpretation as to ss. 16-37.

15. In the next following twenty-two sections, the word "Justice" shall include any such Stipendiary Magistrate, Police Magistrate, or Mayor, or any such two other Justices of the Peace, as the case may be. 27-8 V. c. 18, s. 14 (6).

**16.** Any prosecution for such penalty may be brought by, or in the name of, the Inspector of Licenses within whose official district the offence was committed, or by or in the name of the Corporation of the Municipality wherein the offence was committed, or by or in the name of any person, whether authorized by the Council of such Municipality or not; and where the by-law is a County by-law, the Corporation of the County, equally with that of the Municipality comprised therein, and within which the offence was committed, may prosecute, or may authorize any person to prosecute. 27-8 V. c. 18, s. 14 (1).

By whom penalties may be recovered;

2. Such prosecution may be brought before any Stipendiary Magistrate, or before any two other Justices of the Peace, for the County or Union of Counties wherein the offence was committed; or, if the offence was committed in any City or Town having a Police Magistrate, then before such Police Magistrate; or if the offence was committed in any City or Town not having a Police Magistrate, then before the Mayor thereof. 27-8 V. c. 18, s. 14 (3).

And before what tribunal.

3. If such prosecution is brought before any such Stipendiary Magistrate, Police Magistrate or Mayor, no other Justice shall sit or take part therein. 27-8 V. c. 18, s. 14 (4).

If before a Stipendiary Magistrate, etc.

4. If such prosecution is brought before any two other Justices of the Peace, the summons shall be signed by both of them; and no other Justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them. 27-8 V. c. 18, s. 14 (5).

If before two Justices.

**17.** Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of one or more witnesses. 27-8 V. c. 18, s. 15.

Limitation and form of suit.

**18.** It shall not be necessary, in any such prosecution, to set forth or mention on the face of the complaint, summons, conviction, warrant of distress or warrant of commitment, the by-law bringing the Municipality within the special purview of this Act; but such complaint, summons, conviction and warrants may be in the form of Schedules F, G, H, I, J and K respectively, hereto appended, or to the like effect; and unless the defendant specially puts in issue the fact of such by-law being in force, such fact shall be presumed by the Justice; and if such fact is so put in issue, the production of a copy of such by-law, certified under the hand of the Clerk of the Municipality, and having thereon a certificate under the hand of the same officer, of the due publication (if requisite), shall be conclusive proof of the passing and of the tenor thereof, and also of such publication, as so certified; and no fact so certified touching such by-law shall be incidentally put in issue or questioned in the course of any such prosecution. 27-8 V. c. 18, s. 16.

What only it shall be necessary to insert in the complaint, etc.

As to allegation and proof of by-law.

Several offenders may be included.

**19.** Two or more offences by the same party may be included in any such complaint, provided the time and place of each offence is stated; and in that case, the forms aforesaid shall be altered, so far as may be necessary, accordingly;

Proviso: total penalty limited.

**2.** But whatever may be the number of the offences so included in one complaint, the maximum of penalty imposable for them all shall in no case exceed one hundred dollars. 27-8 V. c. 18, s. 17.

*Ex parte* if defendant does not appear.

**20.** If in any such case the defendant fails to appear as required by the summons, the Justice may proceed *ex parte* to the consideration and hearing thereof, and may adjudicate therein, as fully and effectually to all intents as though the defendant had duly appeared in obedience to the summons. 27-8 V. c. 18, s. 18.

Amendment of complaint,

**21.** Any such complaint may be amended before final hearing, in any matter of form or substance, upon application to that effect, by or for the prosecutor, and without costs, unless otherwise specially ordered by the Justice; and on such amendment being made, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the Justice, is so defective that a legal conviction cannot be based upon it, and is not amended, the Justice may dismiss the case, with or without costs in his discretion. 27-8 V. c. 18, s. 19.

If adjudged too defective.

Not to be dismissed for informality, &c., but adjourned in certain cases.

**22.** No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appears that the defendant has been, or may have been materially misled thereby, the Justice may, on such terms as he thinks fit, adjourn the further proceedings in the case to a future day. 27-8 V. c. 18, s. 20.

No costs against prosecutor if probable cause.

**23.** If any such prosecution is dismissed, the Justice, if he is of opinion that there was probable cause for the complaint, shall not award to the defendant costs against the prosecutor. 27-8 V. c. 18, s. 21.

Service of process, &c.

**24.** Every summons or other process, proceeding or paper, in any such case, may be served, and the service thereof certified under his oath of office, by any bailiff, or by any constable or peace officer, duly appointed for the locality wherein the same is pending. 27-8 V. c. 18, s. 22.

Depositions may be reduced to writing and filed.

**25.** In every such case, if the Justice so orders, or if either party so requires, the depositions of the witnesses shall be reduced to writing by the Justice, or by such Clerk as the Justice may appoint to that end, and shall be filed of record in the cause.



2. Such Clerk shall be entitled to charge and receive at the rate of ten cents for each hundred words of evidence so reduced to writing, or of two dollars *per diem*, in the discretion of the Justice—to be allowed on taxation, and paid by either party, or partly by each party, as the conviction or judgment in the case may ordain; and if no conviction or judgment is rendered therein within two months after the taking of such evidence, then the fees of the Clerk shall be paid in equal shares by each party. 27-8 V. c. 18, s. 23.

Fees to clerk employed, and how paid.

26. It shall not be necessary, in any such case, to prove that an offence was committed on the precise day specified, in order to obtain a conviction; provided it is proved that the same was committed on or about such day, and before the date of the complaint. 27-8 V. c. 18, s. 24.

Proof of precise date of offences dispensed with.

27. In all such cases, the delivery of intoxicating liquor of any kind in or from any building, booth or place, other than a private dwelling-house or its dependencies, or in or from any dwelling-house or its dependencies, if any part thereof is used as a tavern, eating house, grocery, shop, or other place of common resort,—such delivery in either case being to any one not *bona fide* a resident therein,—shall *prima facie* be deemed evidence of and punishable as a sale in violation of the thirteenth and fourteenth sections of this Act; and any such delivery in or from a private dwelling-house or its dependencies, or in or from any other building, booth or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *prima facie* be deemed evidence of and punishable as a sale in violation of the said sections. 27-8 V. c. 18, s. 25.

Delivery of liquor in other than private houses or to residents to be deemed evidence of a sale.

What shall be so deemed in private houses or to residents.

28. In any such case, the Justice may summon any person represented to him as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Justice may issue his warrant for the arrest of such person, and he shall thereupon be brought before the Justice; and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn, or to affirm, and to answer. 27-8 V. c. 18, s. 26.

Summoning witnesses; committal of those refusing to answer.

29. Any person examined or called as a witness in any such case, shall be bound to answer all questions put to him, which the Justice deems relevant, notwithstanding his answers may disclose facts subjecting or tending to subject him to any penalty or other criminal proceeding. 27-8 V. c. 18, s. 28.

Witnesses bound to answer all relevant questions. Jurisdiction.

[The original section adds the following :—

But his answers shall not be used against himself in any prosecution or criminal proceeding.]

[Section 29 of 27-8 V. c. 18, provides as follows :—

**Penalty for tampering with witnesses.**

29. Any person who, either before or after the summons of any witness in any such case, tampers with such witness, or by any offer of money, or by threat or otherwise, directly or indirectly, induces or attempts to induce any such person to absent himself or herself or to swear falsely, shall be liable to a penalty of fifty dollars for each such offence.]

**Defendant may be examined as to his means of satisfying the judgment.**

30. Whenever judgment is rendered under the said thirteenth and fourteenth sections of this Act, for the amount of any penalty and costs, the Justice, if he sees fit, may call on the defendant to declare whether or not he possesses sufficient goods and chattels to satisfy the same,—and if the answer is affirmative, may further examine him as to the sufficiency of such goods and chattels, and as to their being or not being readily available for seizure under a warrant of distress; and if the defendant either answers in the negative, or refuses to answer, or fails to answer to the satisfaction of the Justice, he may be forthwith imprisoned under the warrant of the Justice, in the form or to the effect of Schedule J to this Act, in the Common Gaol of the District, or County, or Union of Counties, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such Gaol; but the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs. 27-8 V. c. 18, s. 30.

**Imprisonment if his answers are not satisfactory.**

**Imprisonment if defendant is absent and does not appear to have goods to satisfy judgment**

31. If the defendant is not present at the time of the rendering of such judgment, and it is made to appear to the satisfaction of the Justice, by affidavit, that the issue of a warrant of distress would be likely to fail of realizing the full amount thereof, in penalty and costs, the defendant may be forthwith imprisoned in such Common Gaol, under warrant of the Justice, in the form or to the effect of Schedule J, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such Gaol; but the defendant, in that case, may at any time obtain his liberation from such imprisonment by making full payment of such amount and of all subsequent costs. 27-8 V. c. 18, s. 31.

**Execution if defendant has sufficient goods.**

32. If the Justice does not so interrogate the defendant, being present,—or if the defendant being interrogated shows that he possesses a sufficiency of available goods and chattels to satisfy the amount of the judgment in penalty and costs,—or if, in the absence of the defendant, it is not shown to the satisfaction of the Justice that the issue of a warrant of distress would be likely to fail of realizing the full amount of the judgment, in penalty and costs,—then in default of immediate payment, such amount shall be levied by warrant of distress out of the goods and chattels of the defendant; and in default of such goods and chattels, or in case of their being insufficient, the defendant shall be imprisoned in such Common Gaol, under warrant of the Justice, in the form or to the effect of

**In default of goods, imprisonment.**

Schedule K to to this Act, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol; and the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs. 27-8 V. c. 18, s. 32.

Liberation on payment in full.

**33.** All such penalties shall be disposed of in the following manner, that is to say:

Application of penalties.

1. If the prosecution was brought by or in the name of the Inspector of Licenses, and not under authorization from the Council of a Municipality, the penalty shall be paid to the Inspector, and, after paying one-third part thereof to the person (if any) on whose information he instituted the prosecution, shall by the Inspector be paid in to the credit of the "License Fund Account" of the District, as mentioned in and subject to the provisions of section thirty-five of "*The Liquor License Act*."

If presented by an Inspector of Licenses.

Rev. Stat. c. 181, s. 35,

2. If the prosecution was brought by or in the name of the Corporation of a Municipality, or by or in the name of any person authorized by the Council thereof, the whole shall belong to such Corporation; and the Council of the Municipality may pay over not more than one-half thereof, either to such person, or to any other person upon whose information the prosecution was instituted;

If by a Municipality

3. If the prosecution was brought by or in the name of any person not so authorized, the penalty shall belong to the Corporation of the Municipality whose by-law is thereby enforced; and in that case, the Council may pay over to any other person upon whose information the prosecution was instituted, not more than one-half of the whole penalty, or may apply the same to municipal purposes as they see fit. 27-8 V. c. 18, s. 34; 39 V. c. 26, s. 27.

If by a private party.

**34.** Any person bringing such prosecution under authorization from a Municipal Council, shall be indemnified by the Corporation of the Municipality so authorizing him, for all costs therein, whatever may be the result of the prosecution.

Indemnification of prosecutors authorized by municipalities as to costs.

2. Any person bringing such prosecution to a successful issue, without having been so authorized, shall be indemnified by the Corporation whose by-law is thereby enforced, for any amount of costs which, without default on his part, he may have failed to recover from the defendant.

Without such authority.

3. Whenever any person is committed to gaol under the thirtieth, thirty-first or thirty-second sections of this Act, the cost of his arrest and conveyance to gaol shall in like manner be borne by the Corporation whose by-law is thereby enforced. 27-8 V. c. 18, s. 35.

The same.

Cost of conveying to gaol.

No *certiorari* allowed, nor appeal in certain cases.

**35.** No conviction, judgment or order, in any such case, shall be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; nor shall any appeal whatever be allowed from any such conviction, judgment or order, to any Court of General Sessions, or other Court whatever, when the conviction has been made by a Stipendiary Magistrate or Police Magistrate. 27-8 V. c. 18, s. 36.

No by-law void for defect of form.

**36.** No by-law passed under authority and for enforcement of this Act, shall be set aside by any Court, for any defect of procedure or form whatever;

Or for defect in matters precedent to the poll.

2. And no such by-law adopted by the electors of a Municipality under the sixth and seventh sections of this Act, shall be set aside by any Court, for any defect whatever, whether of form or substance, affecting the requisition therefor, the authenticity or number of the signatures thereto, the qualification of the signers thereof, or any matter, thing or procedure antecedent to the first publication of the notice given for the poll taken thereon unless the same is unauthorized by this Act. 27-8 V. c. 18, s. 37.

Obligation of officers to perform duties assigned to them by this Act. Rev.Stat.c.174

**37.** Every duty devolving upon any municipal officer under any of the foregoing sections of this Act, shall be performed by such officer, with the same powers and under the same penalties and liabilities, in all respects whatever, as though the same devolved upon him under the express enactments of "*The Municipal Act.*"

Provisions of Rev. Stat. c. 174, for preservation of order at elections, to apply to those under this Act.

2. All the provisions of the said Act for the preservation of peace and good order at municipal elections, the prevention and punishment of offences at or with respect to such elections, the expenses thereof, the power to appoint and swear special constables, and to administer oaths or affirmations to voters, the remedy in case of interruption of the proceedings, and generally all the provisions of the said Act respectively relating to municipal elections and the polls thereat, and all matters incident thereto shall apply to the polls taken under this Act and the proceedings thereat, the officers and persons presiding at or employed in or about the same, and all matters incident thereto, as if such polls were held with respect to elections under the said Act,—except only in so far as such provisions may be inconsistent with those of this Act. 27-8 V. c. 18, s. 38.

This Act not affected by Rev. Stat. c. 181.

**38.** Nothing in "*The Liquor License Act*" shall be construed to affect or impair any of the provisions of this Act; and no tavern or shop license shall be issued to take effect within any County, City, Town, incorporated Village, or Township within which any by-law under authority and for enforcement of this Act is in force. 39 V. c. 26, s. 27 (1).



**39.** The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole of any County, nominate a Board of Commissioners of the number and for the period mentioned in the third section of "*The Liquor License Act*," and also an Inspector; and the said Board and Inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Act or this Act as they respectively have or should perform under the said Act. 39 V. c. 26, s. 27 (2).

Commissioners and Inspectors may be appointed where this Act is in force. Rev. Stat. c. 181, s. 3.

**40.** The sale of liquor without license in any Municipality where this Act is in force shall nevertheless be a contravention of sections thirty-nine and forty of "*The Liquor License Act*," and the several provisions of the said Act shall have full force and effect in every such Municipality except in so far as such provisions relate to granting licenses for the sale of liquor by retail. 40 V. c. 18, s. 30.

Prosecutions where this Act is in force.

**41.** The Board of License Commissioners and the Inspector appointed for any License District under "*The Liquor License Act*," shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of this Act, within the limits of any County, City, incorporated Village, Township or other portion of their License District, in which any by-law under authority and for enforcement of this Act is in force. 39 V. c. 26, s. 27 (3).

Duties of License Commissioners and Inspectors.

**42.** All expenses incurred in carrying the provisions of the last section into effect shall be borne and paid in the proportion of one-third by the Province, out of the Consolidated Revenue Fund, and two-thirds by the Municipality within which any such by-law is in force, in cases where there is no License Fund under "*The Liquor License Act*;" and the proportion of such expenses payable by the Municipality shall become due and payable in one month after the same has been audited by the Provincial Treasurer, and after the Board of License Commissioners have requested payment of the same by notice in writing to the Clerk of the Municipality. 39 V. c. 26, s. 27 (4); 40 V. c. 18, s. 35.

Expenses in each case.

Rev. Stat. c. 181.

## SCHEDULE "A."

(Section 5, sub-section 2.)

FORM OF REQUISITION THAT BY-LAW BE SUBMITTED FOR APPROVAL  
TO ELECTORS.

The undersigned, qualified municipal electors of (*designate the Municipality*), hereby require that any by-law which the Municipal Council there-

of may pass under authority and for enforcement of "*The Temperance Act of Ontario*" at any time within one year from the date hereof, be submitted for approval to the municipal electors of the said Municipality.

Witness our hands, this            day of            , in the year of our Lord one thousand eight hundred and            .

## SCHEDULE "B."

(Section 6.)

### FORM OF REQUISITION FOR A POLL ON BY-LAW PROPOSED BY ELECTORS FOR ADOPTION.

The undersigned, qualified municipal electors of (*designate the Municipality*), hereby require that a poll be taken in terms of "*The Temperance Act of Ontario*" to determine whether or not the qualified municipal electors of the said Municipality will adopt, under authority and for enforcement of the said Act, the by-law following, which we hereby propose for their adoption, to wit :

The sale of intoxicating liquors and the issue of licenses therefor, is by the present by-law prohibited within the (*designate the Municipality*), under authority and for enforcement of "*The Temperance Act of Ontario*."

Witness our hands, this            day of            , in the year of our Lord one thousand eight hundred and            .

## SCHEDULE "C."

(Section 7, sub-section 4.)

### OATH TO BE TAKEN BY ELECTOR.

You swear (*or affirm*) that you are of the full age of twenty-one years, and a natural-born or naturalized subject of her Majesty ;

That you are a freeholder in your own right (*or, in the right of your wife*) of property in this Municipality ;

[*Or, That you are a householder in this Municipality ; and have been a resident within the Municipality for which this vote is being taken, for one month next before this voting ;*]

That you are the person named on the last revised Assessment Roll ;

[*Or, in the case of a new Municipality in which there has not yet been any Assessment Roll, That you are a resident freeholder or householder in (naming the property entitling the elector to vote on the by-law) ;*]

That you have not before voted on this by-law ;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this voting, or for loss of time, travelling expenses, hire of team, or any other service connected with this voting ; and

That you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting.

27-8 V. c. 18, s. 5 (4) ; 40 V. c. 8, s. 50.



## SCHEDULE "G."

(Section 18.)

## FORM OF SUMMONS.

PROVINCE OF ONTARIO, } To C. D., of *(designate duly and sufficiently the*  
County *(or as case may* } *defendant).*  
be) of

You are commanded to appear before *(us or me, as the case may be)* the undersigned Justices of the Peace for the said County *(or as the case may be)*, at *(name the place)*, on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon *(if the summons be issued by two Justices and not by a Stipendiary Magistrate, or Police Magistrate, add here the words, or before such other Justices of the Peace for the said County, or as the case may be, as may then be there)*, to answer to the matters charged against you by *(designate the prosecutor)*, who prosecutes you in Her Majesty's behalf, as the same are set forth in the complaint hereto annexed, —otherwise judgment will be given against you by default.

Given under our *(or my)* hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, and in the County *(or as the case may be)* aforesaid.

(Signatures and Seals.)

## CERTIFICATE OF SERVICE.

I, the undersigned, E. F., of *(designate duly the bailiff or other party certifying)*, do hereby certify, upon my oath of office, that on the \_\_\_\_\_ day of \_\_\_\_\_, I did serve the within summons, and the complaint thereto annexed, on the within named defendant, at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, by leaving a true and certified copy of the said summons and of the said complaint at the domicile of the said defendant, in the \_\_\_\_\_, speaking to \_\_\_\_\_ *(or if the service was personal, by speaking to him and leaving with him a true and certified copy of the said summons and of the said complaint at*

.)

(To be dated and signed in the ordinary manner.)

## SCHEDULE "H."

(Section 18.)

## FORM OF CONVICTION.

PROVINCE OF ONTARIO, } Be it remembered, that on the \_\_\_\_\_ day of  
County *(or as case may* } \_\_\_\_\_, in the year of our Lord one thousand  
be) of \_\_\_\_\_ } eight hundred and \_\_\_\_\_, at *(designate the*  
*place where the conviction is had)*, in the said County *(or as case may be)*,  
C. D., of *(designate the defendant)*, is convicted before the undersigned,  
G. H., Esquire, of \_\_\_\_\_ *(designating the official function of the party*



convicting, as the case may be), for that he, the said C. D., did (*state succinctly the offence*); and I (or we) adjudge the said C. D., for his said offence, to forfeit and pay to (*designate the prosecutor*) the sum of \_\_\_\_\_ and also the further sum of \_\_\_\_\_ for costs in this behalf.

Given under my (or our) hand and seal, the day and year first above mentioned.

(Signature and Seal.)

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## SCHEDULE "I."

(Section 18.)

### FORM OF WARRANT OF DISTRESS.

PROVINCE OF ONTARIO, } G. A., Esquire, of \_\_\_\_\_ (*designating*  
County (or as case may be) of \_\_\_\_\_ } *the official function of the party issuing the warrant.*)

To any bailiff, constable or other officer of the Peace, in and for the said County (or as case may be):

Whereas C. D. of \_\_\_\_\_ (*designate the defendant*), has been convicted before \_\_\_\_\_ of having (*state the offence*), and for such offence adjudged to pay A. B., (*designate the prosecutor*) the sum of \_\_\_\_\_, and also the further sum of \_\_\_\_\_ for costs in that behalf: \*

These are therefore to command you, and each of you, to distrain the goods and chattels of the said C. D., wheresoever they may be found within the said County (or as case may be), and thereon to levy the said penalty and costs, making together the sum of \_\_\_\_\_; and if within the space of four days next after such distress made, the said last mentioned sum of \_\_\_\_\_, together with the reasonable charges of taking and keeping the said distress, are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale, that you do pay the said sum of \_\_\_\_\_ unto the said A. B., refunding to the said C. D. the overplus, the reasonable charges of taking, keeping and selling, the said distress being first deducted; and you are to certify to me (or us) with the return of this warrant what you shall have done in the execution thereof. Herein fail not.

Given under my (or our) hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_, in the County (or as case may be) aforesaid.

(Signature and Seal.)

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## SCHEDULE "J."

(Sections 18, 30 and 31.)

### FORM OF WARRANT OF COMMITMENT, UNDER SECTIONS THIRTY OR THIRTY-ONE.

PROVINCE OF ONTARIO, } To all or any of the bailiffs, constables and  
County (or as case may be) of \_\_\_\_\_ } other officers of the Peace, in the County (or as  
be) of \_\_\_\_\_ } *case may be* of \_\_\_\_\_, and to the keeper  
of the gaol at the same County (or as case may be.)

Whereas, &c., (*as in the foregoing Schedule I., to the mark\**); and whereas (*state circumstances under which, in terms of section thirty or thirty-one, as the case may be, the warrant is issued*); These are therefore to command you the said bailiffs, constables or officers of the Peace, or any of you, to take the said C. D., and him safely convey to the gaol of the said County (*or as the case may be*) and there deliver him to the said keeper thereof, together with this warrant; and I (*or we*) do hereby command you the said keeper of the said gaol to receive the said C. D., into your custody in the said gaol, and to imprison him for the space of \_\_\_\_\_ from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of \_\_\_\_\_ and all the costs of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of \_\_\_\_\_ are sooner paid unto you the said keeper, and for so doing this shall be your sufficient warrant

Given, &c., (*as in Schedule K*).

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## SCHEDULE "K."

(Section 32.)

### FORM OF WARRANT OF COMMITMENT, UNDER SECTION THIRTY-TWO.

(*As in the foregoing Schedule I., to the mark\**); And whereas afterwards, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, I (*or as case may be*) issued a warrant of distress for the levying of the said amount, together with the reasonable charges of the said distress; And whereas (*state circumstances under which, in terms of section thirty-two, the warrant is issued*); These are therefore to command you the said bailiffs, constables, or officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said County (*or as case may be*), and there deliver him to the said keeper thereof, together with the warrant, and I (*or we*) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and there to imprison him for the space of \_\_\_\_\_, from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of \_\_\_\_\_ and all the costs of the said distress, and of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of \_\_\_\_\_, are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, &c. (*as in foregoing Schedule K*).

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5. *Highways.*

- CHAP. 183.—Travelling on Public Highways and Bridges, p. 1943.  
“ 184.—Exemption of certain Vehicles, Horses and other Cattle from Tolls on Turnpike Roads, p. 1945.  
“ 185.—Double Tracks in Snow Roads, p. 1947.  
“ 186.—Use of Traction Engines on Highways, p. 1949.  
“ 187.—Planting of Trees along Public Highways, p. 1952.  
“ 188.—Prevention of the spreading of Canada Thistles, p. 1954.

CHAPTER 183.

An Act to regulate Travelling on Public Highways and Bridges.

Highways :

- Vehicles meeting, s. 1.
- Overtaking and passing, ss. 2-3.
- Penalty for driving when intoxicated, s. 4.
- For furious driving or blasphemy, s. 5.
- Sleigh bells necessary, s. 6.

Bridges :

- Notice to be put up on, s. 7.
- Penalty for defacing, s. 8.
- Fast driving on prohibited, s. 9.
- Penalties :
  - How recoverable, ss. 10-12.
  - Recovery of not to prevent a civil action for damages, s. 13.
  - Application of, s. 14.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

HIGHWAYS.

1. In case any person travelling or being upon any highway in charge of a vehicle drawn by one or more horses, or one or more other animals, meets another vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road. C. S. U. C. c. 56, s. 1. Carriages meeting to drive to the right, giving half the road.
2. In case any person travelling or being upon any highway in charge of a vehicle as aforesaid, or on horseback, is overtaken by any vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass. C. S. U. C. c. 56, s. 2. Carriages overtaken to turn to the right.

If the weight of one of them prevents this.

**3.** In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage. C. S. U. C. c. 56, s. 3.

Penalty on drivers, &c., too drunk to manage their horses.

**4.** In case any person in charge of a vehicle, or of a horse or other animal used as the means of conveyance, travelling or being on any highway as aforesaid, is through drunkenness unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act. C. S. U. C. c. 56, s. 4.

Racing, swearing, etc., on highways forbidden.

**5.** No person shall race with or drive furiously any horse or other animal, or shout or use any blasphemous or indecent language upon any highway. C. S. U. C. c. 56, ss. 5 & 6.

Sleigh horses to have bells.

**6.** Every person travelling upon any highway with a sleigh, sled or cariole, drawn by horse or mule, shall have at least two bells attached to the harness. C. S. U. C. c. 56, s. 7.

#### BRIDGES.

Notice to be posted at the bridges to which this Act applies.

**7.** Every person who has the superintendence and management of any bridge exceeding thirty feet in length shall cause to be put up at each end thereof, conspicuously placed, a notice legibly printed in the following form:

Form of.

“Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine, as provided by law.”

C. S. U. C. c. 56, s. 8.

Penalty on persons defacing such notice.

**8.** In case any person injures, or in any way interferes with such notice, he shall incur a fine of not less than one nor more than eight dollars, to be recovered in the same manner as other penalties imposed by this Act. C. S. U. C. c. 56, s. 9.

Fast driving over bridges forbidden.

**9.** If, while such notice continues up, any person rides or drives a horse or other beast of burden over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act. C. S. U. C. c. 56, s. 10.

#### RECOVERY AND APPLICATION OF PENALTIES.

Penalty for contravening this Act.

**10.** In cases not otherwise specially provided for, if any person contravenes this Act, and such contravention is duly proved, by the oath of one credible witness, before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not



less than one dollar nor more than twenty dollars, in the discretion of such Justice, with costs. C. S. U. C. c. 56, s. 11.

**11.** If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale, shall be returned, on demand, to the owner of such goods and chattels. C. S. U. C. c. 56, s. 12.

To be enforced  
by distress.

**12.** In default of payment of distress the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the Common Gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges are sooner paid. C. S. U. C. c. 56, s. 13.

Or by imprisonment.

**13.** No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any competent jurisdiction. C. S. U. C. c. 56, s. 14.

Not to bar action for damages.

**14.** Every fine collected under this Act shall be paid to the Treasurer of the local Municipality or place in which the offence was committed, and shall be applied to the general purposes thereof. C. S. U. C. c. 56, s. 15.

Application penalties.

## CHAPTER 184.

### An Act exempting certain Vehicles, Horses and other Cattle from Tolls on Turnpike Roads.

#### Exemptions :

Volunteers, s. 1.

Persons going to Divine Service,  
s. 2.

Persons owning farms divided by

toll road, s. 3.

Persons drawing manure in certain cases, s. 4.

Act not to apply to certain bridges,  
s. 5.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Exemption  
from tolls in  
certain cases.

**1.** Officers, non-commissioned officers and men of the Volunteers, being in proper staff or regimental uniform, dress or undress, and their horses (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same), shall be exempt from the payment of any duty or toll on passing any turnpike or toll-gate, or any road, wharf or landing-place or bridge in this Province. 27 V. c. 3, s. 20.

Persons going  
to or returning  
from divine  
service ex-  
empted from  
toll.

**2.** All persons going to or returning from Divine service on any Sunday or obligatory holiday, in or upon and with their own carriages, horses or other beasts of draught, and also their families, and servants being in or upon and with such carriages, horses or other beasts of draught, shall pass toll-free through every turnpike or toll-gate on any turnpike road through which they may have occasion to pass, whether such turnpike road and the tolls thereon belong to the Province, or to any local or Municipal authority, or body of trustees or commissioners for local purposes, or to any incorporated or unincorporated Company, or to any other body or person. C. S. C. c. 86, s. 1.

Vehicles, cat-  
tle, &c., cross-  
ing roads when  
a farm divided  
by the road,  
exempt from  
toll—when.

**3.** No vehicle, laden or unladen, and no horses or cattle belonging to the proprietor or occupier of any lands divided by any turnpike road, shall be liable to toll on passing through any toll-gate on such road (at whatever distance the same may be from any City or Town) for the sole purpose of going from one part of the lands of such proprietor or occupier to another part of the same: Provided such vehicle, horses or cattle do not proceed more than half a mile along such turnpike road, either in going or in returning, and are using such road for farming or domestic purposes only. C. S. C. c. 86, s. 2.

Vehicles, &c.,  
laden with  
manure pass-  
ing from cities  
and towns ex-  
empt from toll.

**4.** Every vehicle laden solely with manure, brought from any City, Town or incorporated Village in this Province, and employed to carry manure into the country parts for the purposes of agriculture, and the horse or horses, or other beast of draught, drawing such vehicle, shall pass toll free through every turnpike-gate or toll-gate on any turnpike or macadamized road within twenty miles of such City, Town or incorporated Village, as well in going from such City, Town or incorporated Village, as in returning thereto, if the vehicle is then empty. C. S. C. c. 86, s. 3; 32 V. c. 40, s. 1.

This Act not  
to apply to  
certain  
bridges.

**5.** This Act shall not extend to any toll bridge, the tolls on which are vested in any person other than the Crown. C. S. C. c. 86, s. 4.

CHAPTER 185.

An Act respecting Double Tracks in Snow Roads.

Interpretation, s. 1.	Powers of County Councils in default of Township Councils, s. 6.
County Council may pass by-law for double track, s. 2.	Penalties :
Nature of tracks, s. 3.	Refusing to work under path-master, s. 7.
Right of road, s. 4.	Travelling in wrong track, s. 8.
Duties and powers of path-masters, s. 5.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In this Act, the word "Team" shall be taken to mean a vehicle drawn by one horse or other animal, or a greater number of horses or other animals, as the case may be. 36 V. c. 46, s. 8.

Interpretation of the word "team."

2. The County Council of each County may provide by by-law for the making of a double track, during the season of sleighing in each and every year, upon such public or leading roads within the County, whether County roads or not, as such Council deems advisable. 36 V. c. 46, s. 1.

County Council may pass by-laws for making double tracks on roads during sleighing season.

3. Whenever a County Council has passed such a by-law, the double track to be made shall be so made that teams shall be able to pass without being obliged to turn out when meeting each other. 36 V. c. 46, s. 2.

Nature of tracks.

4. The right hand track shall always be that in which a team shall be required to travel, and if any person is driving his team in the wrong track, it shall be his duty to leave the same whenever he meets another team rightfully entitled to use such track. 36 V. c. 46, s. 3.

Right of road.

5. A County Council may also provide by by-law that Path-masters appointed by Township Councils shall cause the roads on which double tracks are to be made to be kept open for travel within their respective Municipalities, or in the event of there being no such Path-masters available, may appoint Road-masters to perform that duty ; and such Path-masters or Road-

Duties and powers of path-masters or road-masters.

masters shall have full power to call out persons liable to perform statute labour, to assist in keeping open such roads within their respective Municipalities, and may give to such persons as may be employed in so doing, certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour; and such County Council may also provide for the application by such Township Council of so much of the commutation of statute labour fund as may be necessary for the keeping open such roads as aforesaid within their respective Municipalities. 36 V. c. 46, s. 4.

If township refuse to make tracks, county may do so and impose a rate.

Rev. Stat. c. 180.

6. In the event of a Township Council neglecting or refusing to keep such roads open for travel as mentioned in the next preceding section of this Act, the County Council shall be entitled to do so, and to impose upon the Township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by "*The Assessment Act*" as to the collection of County rates. 36 V. c. 46, s. 5.

Penalty for persons refusing to work under path-masters.

7. Any person who is liable to perform statute labour, and refuses or neglects to turn out and work under any Path-master or Road-master who warns him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding twenty dollars, nor less than one dollar, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. 36 V. c. 46, s. 6.

Penalty for travelling on left hand track and refusing to turn out.

8. Any person travelling in the wrong or left hand track, and refusing or neglecting to leave the same when met by a person who is travelling therein with his team as of right, shall be liable to a penalty of not less than one dollar, nor more than twenty dollars, over and above the costs of prosecution, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. 36 V. c. 46, s. 7.

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## CHAPTER 186.

### An Act to authorize and regulate the use of Traction Engines on Highways.

Traction Engines may be used on Highways, s. 1.	Notice to toll-gate keepers, s. 11.
Conditions :	Subsequent proceedings, ss. 12-13.
Weight of engine, s. 2.	Tolls leviable, s. 14.
Speed, s. 3.	Arbitration in case of dispute, s. 14.
Width of wheels, s. 4.	Collection of tolls, s. 15.
Meeting and passing, ss. 5-6.	Penalty for contravening this Act, s. 16.
Lights to be carried, s. 7.	-How enforced, ss. 17-18.
In Cities and Towns, s. 8.	Appropriation of penalties, s. 19.
Exclusion from certain streets in Cities and Towns, s. 9.	No bar to civil suit, s. 20.
Bridges on non-toll roads to be strengthened, s. 10.	Rev. Stat. c. 152, s. 2, made applicable to Traction Engine Cos., s. 21.
On toll roads :—	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for any person to employ traction engines for the conveyance of freight and passengers, or both, over any public highway in this Province, subject to the provisions hereinafter contained. 31 V. c. 34, s. 1. Traction engines on highways.

#### GENERAL CONDITIONS.

2. No traction engine, so employed, shall exceed in weight twenty tons. 31 V. c. 34, s. 2. Weight.

3. The speed of any traction engine shall at no time exceed the rate of six miles per hour, and in Cities, Towns and incorporated Villages, the rate of three miles per hour. 31 V. c. 34, s. 3. Speed.

4. The width of the driving wheels of all such engines shall be at least twelve inches, and the wheels of the trucks or waggons drawn thereby shall be four inches in width for the first two tons capacity, load and weight of truck included, and an additional half inch for each further ton. 31 V. c. 34, s. 5. Width of wheels.

5. The provisions of *The Act to regulate Travelling on Public Highways and Bridges* shall be applicable to the running of any traction engine upon the highway. 31 V. c. 34, s. 6. Rev. Stat. c. 183 applicable.

Horsemen or vehicles meeting or passing engine to stop.

**6.** In case of any difficulty, or the prospect of any difficulty in the meeting or passing of an engine upon the highway by any mounted horseman or vehicle, it shall be the duty of the engine driver to stop the engine, and in every reasonable way to assist such mounted horseman, or the person in charge of such vehicle, to pass the engine. 31 V. c. 34, s. 7.

Lights to be carried after dark.

**7.** Every engine run after dark shall carry a bright red light in a conspicuous place in front, and a green light on the rear of the train. 31 V. c. 34, s. 8.

#### IN CITIES AND TOWNS.

Running through a city, town, etc.

**8.** No engine shall be run through a City, Town or Village unless a messenger is sent at least fifteen and not more than thirty rods in advance, carrying a red flag by day and a bright red light by night. 31 V. c. 34, s. 9.

Traction engines may be excluded from certain streets, but not entirely from passing through a municipality.

**9.** In case the Municipal Corporation of any City or Town deems it necessary to exclude traction engines from the right to pass through any particular street or streets within the Municipality, it shall be lawful for such Corporation to apply to the Judge of the County Court of the County within which the Municipality is situated, and such Judge shall direct notice to be given to the owner of the engine, and upon the return of such notice may, in his discretion, make or refuse an order to prevent or regulate the running of engines upon certain streets: but it shall not be lawful under this section so to exclude the engines from any streets as entirely to prevent their passage through the Municipality by the then existing opened streets. 31 V. c. 34, s. 10.

#### BRIDGES TO BE STRENGTHENED.

Parties running engines to strengthen bridges, etc.

**10.** Before it shall be lawful to run such engines over any highway whereon no tolls are levied, it shall be the duty of the person or persons proposing to run the same to strengthen, at his or their own expense, all bridges and culverts to be crossed by such engines, and to keep the same in repair so long as the highway is so used.

Owners of different engines to contribute.

**2.** The costs of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts. 31 V. c. 34, s. 4.

#### SPECIAL PROVISIONS AS TO TOLL ROADS.

Notice before use of toll roads.

**11.** Before it shall be lawful to run a traction engine over any highway upon which a toll is established, it shall be the duty of the person proposing to run the same, to leave a notice in writing to that effect with the keeper of any toll-gate on such road, at least two months previous to the running of such

engine, and such notice shall also contain a correct statement of the weight of the heaviest engine proposed to be used. 31 V. c. 34, s. 11.

**12.** The owner or owners of such toll roads, within two months after the delivery of such notice as aforesaid, and upon receiving security to the amount of the cost of required improvements, may cause all bridges and culverts upon the said road to be so strengthened as, in the opinion of the County Engineer of the County in which any such bridge or culvert is situated, to render the same safe for the constant passing of such engines. 31 V. c. 34, s. 12.

Owners of toll roads to strengthen bridges, &c.

**13.** In the event of the owners of such toll roads neglecting or refusing to comply with the requirements of the last preceding section, it shall be lawful for the parties about to run such engines themselves to do the necessary work at their own expense; such outlay to be repaid to them by the remission of tolls upon the passage of engines and trains through the gates upon such road, until the whole of such outlay is repaid.

If they do not, owners of engines may do the work, to be reimbursed out of tolls.

**2.** Such works shall be performed to the satisfaction of the County Engineer or other officer appointed for that purpose by the Municipality within which the highway or the greater part thereof is situated. 31 V. c. 34, s. 13.

Work to be done to satisfaction of County Engineer.

**14.** The owners of such toll roads may levy such tolls as may be imposed by them upon the passage of any engine or truck through every lawful gate; and if the owner of the engine is dissatisfied with the rate of toll, the same may be referred to the decision of three Arbitrators, one of whom shall be nominated by the owner of the engine, and one by the proprietors of the road, and the two so appointed shall choose a third, and the decision of the said Arbitrators or the majority of them shall be binding; and in the event of the two Arbitrators first appointed as aforesaid failing or neglecting within one month to appoint a third Arbitrator as herein provided, then the appointment of such third Arbitrator may be made by the County Judge of the County within which the said tolls are to be collected. 31 V. c. 34, s. 14.

Tolls.

Provision for arbitration.

**15.** It shall be lawful for the owners of any such road to enforce the payment of the aforesaid tolls in the manner provided by law for the collection of the ordinary tolls upon such roads. 31 V. c. 34, s. 15.

Collection of tolls.

#### PENALTIES.

**16.** If any person contravenes this Act, and such contravention is duly proved by the oath of one credible witness before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall in-

Penalty for contravening Act.

cur a penalty of not less than five dollars, nor more than twenty-five dollars, in the discretion of such Justice, with costs. 31 V. c. 34, s. 17.

To be enforced by distress. **17.** If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale, shall be returned, on demand, to the owner of such goods and chattels. 31 V. c. 34, s. 18.

Or by imprisonment. **18.** In default of payment or distress, the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the Common Gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges are sooner paid. 31 V. c. 34, s. 19.

Application of fines. **19.** Every fine collected under this Act shall be paid to the Treasurer of the local Municipality in which the offence was committed, and shall be applied to the general purposes thereof. 31 V. c. 34, s. 21.

Recovery of damages. **20.** No fine or imprisonment under this Act shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. 31 V. c. 34, s. 20.

Rev. Stat. c. 152, s. 2, to apply. **21.** Section two of "*The General Road Companies Act*" shall apply to Companies established for manufacturing or purchasing traction engines, and working the same. 31 V. c. 34, s. 16.

## CHAPTER 187.

### An Act to encourage the Planting of Trees along Highways.

<p>"Highway" defined, s. 1. Application of the Act in the case of cities and towns, s. 2.</p>	<p>Property in trees on highways, s. 3. Planting trees, s. 4. Injuring, trees, s. 5.</p>
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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



**1.** The word "highway," whenever it occurs in this Act, shall be held to mean and include any public highway, street, road, lane, alley, or other communication, as well as any public place or square. 34 V. c. 31, s. 6. Interpretation of the word "highway."

**2.** Sections three and four of this Act shall not apply to incorporated Cities, Towns and Villages, unless the Council thereof first passes a by-law making the same apply thereto. 34 V. c. 31, s. 6. By-law necessary to make this Act apply to cities and towns.

**3.** For the purpose of this Act, every shade tree, shrub and sapling now growing on either side of any highway in this Province shall, upon, from and after the passing of this Act, be deemed to be the property of the owner of the land adjacent to such highway opposite to which such tree, shrub or sapling is. 34 V. c. 31, s. 1. Property of trees on highways vested in the owners of adjacent land.

**4.** Any person owning land adjacent to any highway may plant trees, shrubs or saplings on the portion thereof contiguous to his land; but no tree, shrub or sapling shall be so planted that the same is or may become a nuisance in the highway or obstruct the fair and reasonable use of the same. Planting trees.

**2.** Every tree, shrub or sapling so planted in any highway shall for the purposes of this Act be deemed to be the property of the owner for the time being of the land whose owner planted the same. 34 V. c. 31, s. 2. Property in.

**5.** Any person who ties or fastens any animals to any such tree, shrub or sapling so growing or planted upon any highway, or who injures or destroys, or suffers or permits any animal in his charge to injure or destroy, or who removes any such shrub, tree or sapling, or receives the same knowing it to be so removed, shall, upon conviction thereof before a Justice of the Peace, forfeit and pay such sum of money not exceeding twenty-five dollars besides costs as such Justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the Common Gaol of the County within which the Municipality is, for a period not exceeding thirty days. Injuring trees.  
  
Penalty.

**2.** One-half of such fine shall go to the person laying the information, and the other half to the Municipality within which such tree, shrub or sapling was growing. 34 V. c. 31, s. 4. Application of.

[See also *Rev. Stat.* c. 174, s. 454 (16).]

## CHAPTER 188.

## An Act to prevent the Spreading of Canada Thistles.

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Occupants of land to cut down Canada thistles every year before maturity, s. 1.	Municipal Clerks to notify Station Masters, s. 4.
Overseers of Highways :	Expenses of carrying out Act :
To carry out Act in their Highway Divisions, s. 2.	How paid to Overseer, ss. 5-6.
To notify land owners, s. 3.	Appeal against, s. 7.
And cut down thistles on default of owner, s. 3.	How recovered by Municipality, s. 8.
To enter on lands of Railway Co. after notice by Municipal Clerk, s. 4.	Penalties :
To return account of expenses to Municipal Council, ss. 5-6.	For selling seed of Canada Thistle, s. 9.
	For neglect of duty by Overseer, s. 10.
	How recoverable, s. 11.
	Application of, s. 11.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Occupants of land to cut down thistles growing on their lands.

1. It shall be the duty of every occupant of land to cut or cause to be cut down all the Canada thistles growing thereon, so often in each and every year as is sufficient to prevent them going to seed ; and if any owner, possessor or occupier of land knowingly suffers any Canada thistles to grow thereon and the seed to ripen so as to cause or endanger the spread thereof, he shall upon conviction be liable to a fine of not less than two nor more than ten dollars for every such offence. 29 V. c. 40, s. 1.

Penalty.

Duty of Overseers of Highways under this Act.

2. It shall be the duty of the Overseers of Highways in any Municipality, having first obtained authority from the Municipal Council of which they are officers, to see that the provisions of this Act are carried out within their respective highway divisions by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective divisions. 29 V. c. 40, s. 2 ; 32 V. c. 41, ss. 1 & 2.

And notify owners.

3. Every such Overseer shall give notice in writing to the owner, possessor or occupier of any land within the said division whereon Canada thistles are growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice.

2. In case such owner, possessor or occupier refuses or neglects to cut down the said Canada thistles within the period aforesaid, the said Overseer of Highways shall enter upon the land and cause such Canada thistles to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor:

And enter lands on default.

3. But no such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain, and where such Canada thistles are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down the same. 29 V. c. 40, s. 2,

Provide as to lands sown with grain.

As to non-resident lands.

4. It shall be the duty of the Clerk of any Municipality in which Railway property, is situated to give notice in writing to the Station Master of said Railway resident in or nearest to the said Municipality, requiring him to cause all the Canada thistles growing upon the property of the said Railway Company within the limits of the said Municipality to be cut down as provided for in the first section of this Act.

Clerks of Municipalities to warn station masters to cut down thistles on railways.

2. In case such Station Master refuses or neglects to have the said Canada thistles cut down within ten days from the time of service of the said notice, then the Overseers of Highways of the said Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act. 29 V. c. 40, s. 3.

Overseer to enter on default.

5. Each Overseer of Highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor, or occupier of such resident lands, requiring him to pay the amount.

Account of expenses to be kept by Overseer.

And delivered to occupant of resident lands.

2. In case such owner, possessor or occupier of such resident lands refuses or neglects to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general purposes of the said Municipality. 29 V. c. 40, s. 4.

If the owner refuses to pay.

Council to reimburse overseer.

6. The said Overseer of Highways shall also present to the said Council a similar statement of the expenses incurred by him in carrying out the provisions of this Act upon any non-

Expense in case of non-resident lands.

resident lands; and the said Council is hereby authorized and empowered to audit and allow the same in like manner. 29 V. c. 40, s. 4.

Appeal allowed.

**7.** If any owner, occupant or possessor, amenable under the provisions of this Act, deems such expense excessive, an appeal may be had to the said Council (if made within thirty days after delivery of such statement), and the said Council shall determine the matter in dispute. 29 V. c. 40, s. 4.

How expenses shall be recovered by municipality.

**8.** The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act to be severally levied on the lands described in the statement of the Overseers of Highways, and to be collected in the same manner as other taxes; and the same when collected shall be paid into the treasury of the said Corporation to reimburse the outlay therefrom aforesaid. 29 V. c. 40, s. 5.

Penalty on sale of any seed mixed with thistle seed.

**9.** Any person who knowingly vends any grass or other seed among which there is any seed of the Canada thistle shall for every such offence, upon conviction, be liable to a fine of not less than two nor more than ten dollars. 29 V. c. 40, s. 6.

Penalty on Overseer neglecting his duty.

**10.** Every Overseer of Highways or other officer who refuses or neglects to discharge the duties imposed on him by this Act, shall be liable to a fine of not less than ten nor more than twenty dollars. 29 V. c. 40, s. 7.

Recovery of penalties.

**11.** Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and all fines imposed shall be paid into the treasury of the Municipality in which such conviction takes place. 29 V. c. 40, s. 8.

All Councils may authorize the carrying out of this Act.

**12.** Any Municipal Corporation in Ontario may authorize the carrying out of the provisions of this Act. 32 V. c. 41, s. 2.

[See also *Rev. Stat.* c. 174, s. 461 (15).]



## 6. *Public Morals.*

CHAP. 189.—To prevent the Profanation of the Lord's Day, p. 1957.

### CHAPTER 189.

An Act to prevent the Profanation of the Lord's Day.

Acts prohibited, ss. 1-6.	Imprisonment, s. 13.
Sales and purchases on Sunday void, s. 7.	Limitation of prosecutions, s. 14.
Penalty, s. 8.	Actions, etc., against Officers :—
Appropriation of, s. 9.	Limitation of, s. 15.
Summary Convictions :—	Notice of, s. 15.
Procedure, ss. 10-11.	Tender of amends, s. 16.
Defects of form, s. 12.	Costs, s. 16.
	Act not to apply to Indians, s. 17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever, on the Lord's day, to sell or publicly show forth, or expose, or offer for sale, or to purchase, any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling, (conveying travellers or Her Majesty's Mail, by land or by water, selling drugs and medicines, and other works of necessity and works of charity only excepted). C. S. U. C. c. 104, s. 1.

No sale to take place on Sunday.  
Or ordinary work.  
Exception.

2. It is not lawful for any person on that day to hold, convene or to attend any public political meeting, or to tipple, or to allow or permit tippling in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects. C. S. U. C. c. 104, s. 2.

Political meetings, tippling, etc., prohibited on Sunday.

Games and  
amusements  
prohibited.

**3.** It is not lawful for any person on that day to play at skittles, ball, foot-ball, racket, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort. C. S. U. C. c. 104, s. 3.

Hunting and  
shooting.

**4.** Except in defence of his property from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal, or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or trap, for the above mentioned purpose. C. S. U. C. c. 104, s. 4.

Fishing.

**5.** It is not lawful for any person on that day to go out fishing, or to take, kill or destroy any fish, or to use any gun, fishing rod, net or other engine for that purpose. C. S. U. C. c. 104, s. 5.

Bathing,

**6.** It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated City or Town, or within view of any place of public worship, or private residence. C. S. U. C. c. 104, s. 6.

Sales and  
agreements  
made on Sun-  
day to be void

**7.** All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's day, shall be utterly null and void. C. S. U. C. c. 104, s. 8.

Penalty.

**8.** Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one credible witness, or upon view had of the offence by the said Justice himself, shall for every such offence be fined in a sum not exceeding forty dollars, nor less than one dollar, together with the costs and charges attending the proceedings and conviction. C. S. U. C. c. 104, s. 7.

Application of  
penalties.

**9.** All sums of money awarded or imposed as fines or penalties, by virtue of this Act, shall be paid as follows, that is to say : one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety to the Treasurer of the County or City wherein the offence was committed, to be by him accounted for in the same manner as for other moneys deposited with or paid over to him. C. S. U. C. c. 104, s. 18.

Justice to sum-  
mon accused  
party.

**10.** Where any person has been charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in such summons, and if such person fails or neglects to

appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same County or Municipality; and the Justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said Justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's day) to the Common Gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. C. S. U. C. c. 104, s. 9. Commitment.

**11.** The Justice before whom any person is convicted of any offence against this Act, may cause the conviction to be drawn up in the form of the Schedule to this Act, or in any other form of words to the same effect as the case may require. C. S. U. C. c. 104, s. 10. Form of conviction.

**12.** A conviction under this Act shall not be quashed for want of form; nor shall any warrant of commitment be held void by reason of any defect therein, if it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the commitment. C. S. U. C. c. 104, s. 11. Conviction and commitment not to be void for want of form.

**13.** In default of payment of any fine imposed under this Act, together with the costs attending the same, within the period by the Justice of the Peace before whom such conviction takes place, specified for the payment thereof at the time of conviction, such Justice of the Peace (if he deems it expedient so to do) may issue his warrant, directed to any constable, to levy the amount of such fine and costs within a certain time, to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount is found, he may commit the offender to the Common Gaol of the County wherein the offence was committed for any term not exceeding three months, unless the fine and costs are sooner paid. C. S. U. C. c. 104, s. 12. In default, may levy fine. Commitment.

**14.** The prosecution for any offence punishable under this Act shall be commenced within one month after the commission of the offence, and not afterwards. C. S. U. C. c. 104, s. 13; 36 V. c. 10, s. 4. Limitation of time for prosecution.

**15.** All actions and prosecutions against any person for anything done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within six months after the fact committed, and not Where actions &c., are to be tried.

Defendant  
may plead gen-  
eral issue.

afterwards ; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the action, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial had thereupon. C. S. U. C. c. 104, s. 16.

Tender of  
amends, &c.

**16.** No plaintiff shall recover in such action, if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into Court after such action brought by or on behalf of the defendant ; and if a verdict passes for the defendant, or the plaintiff becomes non-suited, or discontinues any such action after issue joined, or if upon demurrer or otherwise judgment be given against the plaintiff, the defendant may recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases. C. S. U. C. c. 104, s. 17.

Defendant  
if successful  
to have full  
costs.

Not to extend  
to Indians.

**17.** This Act shall not extend to the people called Indians. C. S. U. C. c. 104, s. 19.

## SCHEDULE.

(Section 11.)

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_, in the County of \_\_\_\_\_ (or at the City of \_\_\_\_\_, as the case may be), A. B., of \_\_\_\_\_, is convicted before me, C. D., one of Her Majesty's Justices of the Peace for the said County (or City as the case may be), for that he the said A. B. did (specify the offence, and the time and place when and where the same was committed, as the case may be); and I, the said C. D., adjudge the said A. B., for his offence to pay (immediately, or on or before the \_\_\_\_\_ day of \_\_\_\_\_) the sum of \_\_\_\_\_, and also the sum of \_\_\_\_\_ for costs ; and in default of payment of the said sums respectively, to be imprisoned in the Common Gaol of the said County (or City, as the case may be) for the space of \_\_\_\_\_ months, unless the said sums are sooner paid ; and I direct that the said sum of \_\_\_\_\_ (the penalty) shall be paid as follows, that is to say : one moiety thereof to the party charging the offence, and the other moiety to the Treasurer of the County (naming the one in which the offence was committed, or of the said City, as the case may be), to be by him applied according to the provisions of chapter one hundred and eighty-nine of "The Revised Statutes of Ontario," entitled, "An Act to prevent the Profanation of the Lord's Day."

Given under my hand and seal, the day and year first above mentioned.

C. D., J.P. [L. S.]



## 7. *Public Health.*

CHAP. 190.—Public Health Act, p. 1961.

“ 191.—Vaccination and Inoculation, p. 1969.

### CHAPTER 190.

#### An Act respecting the Public Health.

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| <p>Interpretation, s. 1.<br/>         Municipalities and Police Villages :<br/>           Who to be health officers of, s. 2.<br/>           Power to enter premises, s. 3.<br/>           And order cleansing of, s. 4.<br/>           And cleanse on default of owner or occupant, s. 5.<br/>           May order medical examination, s. 6.<br/>           When inhabitants of a house may be removed, ss. 6, 7.<br/>         Powers of Lieutenant-Governor :<br/>           Regulation of vessels, passengers and cargoes, s. 8.<br/>           Proclamation suspending sections 2-7, ss. 9-11.<br/>           Appointment of Central Board of Health, s. 12.<br/>           Dissolution of Board, s. 13.<br/>         Local Boards of Health :<br/>           Meeting may be called to nominate, s. 14.<br/>           Who may be appointed, s. 15.<br/>           When meeting must be called, s. 16.<br/>           When Lieutenant-Governor may appoint Local Board, s. 17.<br/>           Municipal Health Officers to act in the interim, s. 18.<br/>           How Local Board of Health dissolved, s. 19.<br/>         Powers of Central Board of Health :<br/>           To make regulations for preventing infection, ss. 20, 21.</p> | <p>To require Local Boards to carry out these regulations, s. 22.<br/>         And to compel removal of inhabitants of certain houses, s. 23.<br/>         When and how long such regulations shall be in force, s. 24.<br/>         Powers of Local Boards :<br/>           Same as those of Municipal Health Officers, under ss. 6 &amp; 7, s. 25.<br/>           Powers if orders disobeyed, s. 26.<br/>         Expenses of carrying out Act :<br/>           How to be defrayed, ss. 27, 28.<br/>         Proclamations and Regulations :<br/>           To be published in <i>Gazette</i>, ss. 29, 30.<br/>           And laid before Legislative Assembly, s. 30.<br/>           Certain municipal by-laws suspended thereby, s. 31.<br/>         Penalties and Prosecutions :<br/>           For disobedience or neglect of orders or regulations, s. 32.<br/>           For obstruction of officers, s. 32.<br/>           How recoverable, s. 32.<br/>           Committal of offender, s. 33.<br/>           Application of penalties, s. 34.<br/>           Conviction may be had though proclamation no longer in force, s. 35.<br/>           No proceedings to be quashed for want of form, s. 36.<br/>           Or removed by <i>certiorari</i>, s. 36.</p> |
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Interpretation** 1. In this Act, the following words and expressions shall have the meaning hereinafter assigned to them respectively, unless such meaning is repugnant to or inconsistent with the context, that is to say :—

“Place.” “Place” shall mean and include a City, Town, Village, Township, or any other territorial division recognized or designated by law as a separate Municipality or municipal division, and shall also mean and include a Police Village ;

“Street.” “Street” shall include every highway, road, square, row, lane, mews, court, alley, and passage, whether a thoroughfare or not. 36 V. c. 43, s. 36.

#### MUNICIPAL HEALTH OFFICERS.

**Who shall and may be health officers.** 2. The members of the Municipal Council of every Township, City, Town and incorporated Village, and the Trustees of every Police Village shall be Health Officers within their respective Municipalities, under the next five sections of this Act ; but any such Council may by by-law delegate the power of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the Council thinks best. 36 V. c. 43, s. 6.

**Health officers may enter and examine premises.** 3. The Health Officers of any Municipality or Police Village, or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises. 36 V. c. 43, s. 1.

**Power to order cleansing.** 4. If upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which, in their opinion, may endanger the public health, they or any two of them, may order the proprietor or occupant of the premises to cleanse the same and to remove what is so found there. 36 V. c. 43, s. 2.

**Powers to officers to cleanse.** 5. Such Health Officers, in case the proprietor or occupier of the premises neglects or refuses to obey their directions, may call to their assistance all constables and any other persons they think fit, and may enter on the premises and cleanse the same, and remove therefrom and destroy what in their opinion it is necessary to remove or destroy for the preservation of the public health. 36 V. c. 43, s. 3.

**Medical men may be authorized by the officers to examine.** 6. Such Health Officers or a majority of them may also, by warrant under their hands, authorize any two medical practitioners to enter in and upon any house, out-house, or premises in the day time for the purpose of making enquiry and examination with respect to the state of health of any person therein ; and may also, upon the report of such medical practitioners in

writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners state in their said report that such person can be removed without danger to life, and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses. 36 V. c. 43, s. 5.

On report of medical men, persons infected may be removed.

7. Wherever a disease of a malignant and fatal character is discovered to exist in any dwelling-house or out-house temporarily occupied as a dwelling; in a City, Town, Village, or Township in Ontario, or within a mile thereof, and such house is situated in an unhealthy or crowded part of the City, Town, Village, or Township or adjoining country, or is in a filthy and neglected state, or is inhabited by too many persons, the Health Officers of the Municipality or a majority of them may, at the expense of the Municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the Municipality, for the immediate cleansing, ventilation, purification, and disinfection of such dwelling-house or out-house. 36 V. c. 43, s. 4.

When inhabitants of a house may be removed.

#### POWERS OF LIEUTENANT-GOVERNOR.

8. The Lieutenant-Governor in Council may make and declare such regulations concerning the entry or departure of boats or vessels at the different ports or places in Ontario, and concerning the landing of passengers or cargoes from such boats or vessels, or the receiving passengers or cargoes on board of the same, as may be thought best calculated to preserve the public health. 36 V. c. 43, s. 7.

Lieut.-Governor may regulate vessels, in port, and landing, of passengers and cargoes.

9. Whenever this Province, or any part thereof, or place therein, appears to be threatened with any formidable epidemic, endemic, or contagious disease, the Lieutenant-Governor may, by proclamation, to be by him from time to time issued, by and with the advice and consent of the Executive Council, declare the subsequent sections of this Act to be in force in this Province, or in any part thereof or place therein, mentioned in such proclamation; and it shall thereupon be in force accordingly. 36 V. c. 43, s. 8.

When epidemic, &c., probable, Lieut.-Governor may proclaim following sections in force.

10. The Lieutenant-Governor may, in like manner, from time to time, as to all or any of the parts or places to which any such proclamation extends, revoke or renew any such proclamation; and subject to revocation and renewal, as aforesaid, every such proclamation shall have effect for six months, or for any shorter period in such proclamation expressed. 36 V. c. 43, s. 9.

Power to revoke, renew, and limit duration of proclamation.

On proclamation, sections two to seven suspended unless excepted.

**11.** Upon the issuing of any such proclamation, and whilst the same is in force, sections two to seven inclusive of this Act shall be suspended as to every place mentioned in such proclamation, or being within any part of this Province included thereby, unless it is by the said proclamation declared that such sections or any of them shall be continued in force. 36 V. c. 43, s. 10.

Central Board of Health, appointment of.

**12.** From time to time, after the issuing of any such proclamation, and whilst it is in force, the Lieutenant-Governor may, by commission under his hand and seal, appoint five or more persons, to be "The Central Board of Health," and also such officers and servants as he deems necessary to assist the Board; and the powers and duties of the said Board may be exercised and executed by any three members thereof; and during any vacancy in the said Board, the continuing members or member may act as if no vacancy had occurred. 36 V. c. 43, s. 11.

Powers and duties of, how exercised.

Commission appointing Central Board determined by revocation of proclamation.

**13.** Every such commission shall, *ipso facto*, be determined by the revocation of the proclamation under which it issued, as to all the places included in such proclamation, or by the expiration of six months from the date of such proclamation, or of any shorter period expressed in such proclamation as that during which it is to be in force, unless such proclamation is renewed as to all or some of such parts and places. 36 V. c. 43, s. 12.

#### LOCAL BOARDS OF HEALTH.

Meeting to nominate Local Board of Health.

**14.** From time to time, while any such proclamation is in force, the Mayor or other head of the Municipal Corporation, Inspecting Trustee or other chief municipal officer of any and every place mentioned in such proclamation, or included thereby, may call a special meeting of the Council or of the Police Trustees of such place, over which he presides, for the purpose of nominating a Local Board of Health. 36 V. c. 43, s. 13.

Local Board of Health, how appointed.

**15.** Such Municipal Corporation or Police Trustees shall nominate not less than three persons, resident within the limits of their respective jurisdictions (or in the case of a City, Town or Village, within seven miles thereof), to be "The Local Board of Health" for such place. 36 V. c. 43, s. 14.

Meeting to nominate Board of Health imperative on certain requisitions.

**16.** Such Mayor, or other head of such municipal corporation, Inspecting Trustee, or other chief municipal officer, shall call such special meeting within two days from the receipt of a written requisition to that effect, signed by ten or more inhabitants, householders of the place, under the jurisdiction of the body over which he presides, on pain of being personally liable to the penalty hereinafter mentioned. 36 V. c. 43, s. 15.

When Lieutenant-Governor may appoint Local Board.

**17.** If at any time while any such proclamation is in force, it is certified to the Lieutenant-Governor, by any ten or more inhabitant householders of any place included in such procla-



mation, that the Mayor or other head of such Municipal Corporation, or Inspecting Trustee, or other chief municipal officer of such place, has failed to comply with such requisition, within such time as aforesaid, or that such Council or Trustees have failed to nominate a Local Board, the Lieutenant-Governor in Council may forthwith appoint not less than three persons, resident within the limits of such place (or in the case of a City, Town or Village, within seven miles thereof), to be the Local Board of Health for such place. 36 V. c. 43, s. 16.

**18.** Until a Local Board of Health is appointed under the provisions of the three preceding sections, the Health Officers of the Municipality shall exercise and perform the powers, authorities and duties of the Local Board, in conformity with the regulations of the Central Board, and shall act in every respect as if they were a Local Board of Health appointed under the fifteenth section of this Act. 36 V. c. 43, s. 17.

Till appointment of local board, health officers may act as such.

**19.** Every nomination or appointment of a Local Board of Health under the fifteenth or seventeenth sections of this Act shall, *ipso facto*, be determined by the revocation as to the place within the limits of which such Local Board is authorized to act, or as to any place in which it is included, or as to the whole Province, of the proclamation under which such Local Board was appointed, or by the expiration of six months from the date of such proclamation, or of any shorter period expressed in such proclamation as that during which it is to be in force, unless such proclamation is renewed as to such place, or any place in which it is included, or as to the whole Province. 36 V. c. 43, s. 18.

Appointment of local board, when determined by revocation of Commission.

#### POWERS OF CENTRAL BOARD OF HEALTH.

**20.** The Central Board of Health, or any three or more members thereof, may from time to time issue such regulations as they think fit, for the prevention, as far as possible, or the mitigation of such epidemic, endemic or contagious diseases, and may revoke, renew or alter any such regulations, or substitute such new regulations, as to them or any three of them appear expedient. 36 V. c. 43, s. 19.

Power of Central Board to make regulations to prevent infection, &c.

**21.** The said Board may, by such regulations, provide,

Powers of Central Board as to regulations.

1. For the frequent and effectual cleansing of streets by the Road Surveyors or Overseers of Highways and others, entrusted with the care and management thereof, or by the owners or occupiers of houses and tenements adjoining thereto ;

2. For the cleansing, purifying, ventilating and disinfecting of houses, dwellings, railway stations, churches, buildings, and places of assembly, steamboats, railway carriages and cars, and other public conveyances, by the owners and occupiers, and persons having the care and ordering thereof ;

3. For the removal of nuisances ;

4. For the speedy interment of the dead ;

5. For preventing or mitigating such epidemic, endemic or contagious diseases, in such manner as to the said Central Board seems expedient. 36 V. c. 43, s. 20.

Power to Central Board to require Local Board to execute their regulations, etc.

**22.** The said Central Board may by any such regulations authorize and require the Local Boards of Health to superintend and see to the execution of any such regulations ; and (where it appears that there may be default or delay in the execution thereof, by want or neglect of such Surveyors, Overseers, or others entrusted as aforesaid, or by reason of poverty of occupiers or otherwise) to execute or aid in executing the same within their respective limits ; and to provide for the dispensing of medicine and for affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases, such medical aid as may be required ; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. 36 V. c. 43, s. 21.

And to remove inmates of certain houses.

**23.** The Central Board of Health may also by any such regulations authorize and require the Local Boards of Health, in all cases in which diseases of a malignant and fatal character, are discovered to exist in any dwelling-house, or out-house temporarily occupied as a dwelling, situate in an unhealthy or crowded locality, or being in a neglected or filthy state, at the proper costs and charges of such Local Boards of Health to compel the inhabitants of any such dwelling-house or out-house, to remove therefrom and to place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken by and under the directions of the Local Boards of Health, for the immediate cleansing, ventilation, purification and disinfection of the said dwelling-house or out-house. 36 V. c. 43, s. 22.

Regulations, extent of locality to which applicable.

**24.** The directions and regulations to be issued as aforesaid shall extend to all parts or places in which this Act is, for the time being, in force, under any such proclamation as aforesaid, unless such regulations are expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations are specified, and (subject to the power of revocation and alteration herein contained) shall continue in force so long as this Act is in force under such proclamation in the parts or places to which such regulations extend. 36 V. c. 43, s. 23.

#### POWERS OF LOCAL BOARDS OF HEALTH.

Members of Local Boards to be health officers.

**25.** The members of the said Local Boards of Health shall be called Health Officers ; and any two or more of them acting in

the execution of any such regulations as aforesaid, may exercise the like powers and authorities as are conferred upon Health Officers by sections six and seven of this Act. 36 V. c. 43, s. 24.

**26.** In case the owner or occupier of any dwelling or premises neglects or refuses to obey the orders given by such Health Officers, in pursuance of such regulations, such Health Officers may call to their assistance all Constables and peace officers, and such other persons as they think fit, and may enter into such dwelling or premises, and execute the same or cause to be executed therein such regulations, and remove therefrom and destroy whatsoever, in pursuance of such regulations it is necessary to remove and destroy for the preservation of the public health. 36 V. c. 43, s. 25.

Powers of officers if their orders disobeyed.

#### MISCELLANEOUS PROVISIONS.

**27.** The expenses incurred by the said Central Board of Health shall be defrayed out of any moneys appropriated by the Legislature for that purpose; and the expenses incurred by the said Local Boards of Health in the execution or in superintending the execution of the regulations of the Central Board, shall be defrayed and provided for in the same manner and by the same means as expenses incurred by the Municipal Corporations, having jurisdiction over the respective places for which such Local Boards of Health were appointed, are by law required to be defrayed and provided for. 36 V. c. 43, s. 26.

Expenses of central and local boards, how defrayed.

**28.** The Treasurer of the Municipality shall forthwith upon demand pay out of any moneys of the Municipality in his hands the amount of any order given by the members of the Local Board, or any two of them, for services performed under their direction by virtue of this Act. 36 V. c. 43, s. 27.

Any two members of local board may order municipal treasurer to pay.

**29.** Every proclamation of the Lieutenant-Governor in Council under this Act shall be published in the *Ontario Gazette*; and no direction or regulation of the said Central Board of Health shall have any force or effect until it has been confirmed by the Lieutenant-Governor in Council, and has thereafter been published in the *Ontario Gazette*. 36 V. c. 43, s. 28.

Proclamation to be published. Regulations of central board invalid till confirmed and published.

**30.** Such publication of any such proclamation or regulation shall be conclusive evidence of the proclamation or regulation so published, and of the confirmation of such regulation as aforesaid, and of the dates thereof respectively to all intents and purposes; and every such proclamation and regulation shall forthwith upon the issuing thereof be laid before the Legislative Assembly, if it is then sitting, and if not, within the fourteen days next after the commencement of the next Session thereof. 36 V. c. 43, s. 29.

Publication to be evidence of certain facts.

Regulations and proclamation to be laid before Legislative Assembly.

**31.** Upon the publication of any such regulations as aforesaid, and whilst they continue in force, all by-laws of the Muni-

On publication of regula-

tions certain  
municipal by-  
laws cease.

icipal Corporation of any place to which such regulations or any of them relate, made for preserving the inhabitants thereof from contagious diseases, or for any other of the purposes for which such regulations are by this Act required to be issued, shall become and be suspended. 36 V. c. 43, s. 30.

#### PENALTIES AND PROSECUTIONS.

Penalty for  
disobedience  
of orders of  
officers and  
regulations.

**32.** Any person who wilfully disobeys or resists any lawful order of the Health Officers, or wilfully obstructs any person acting under the authority or employed in the execution of this Act either before or after the appointment of a Central Board of Health, or wilfully violates any regulations made and declared by the Lieutenant-Governor in Council or issued by the Central Board of Health under this Act, or neglects or refuses to comply with such regulations, or with the requirements of this Act in any manner whatsoever, shall be liable for every such offence to a penalty not exceeding twenty dollars, to be recovered by any person before any two Justices or a Police Magistrate, and to be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale by warrant, under the hands and seals of the Justices, or hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices. 36 V. c. 43, s. 31.

Committal of  
offender.

**33.** If it appears to the satisfaction of such Justices or Police Magistrate before or after the issuing of their or his warrant, either by the confession of the offender or otherwise, that he has not goods and chattels within their or his jurisdiction sufficient to satisfy the amount, they or he may commit him to any Gaol, Lock-up or House of Correction for any time not exceeding fourteen days, unless the amount is sooner paid, in the same manner as if a warrant of distress had issued, and a return of *nulla bona* had been made thereon. 36 V. c. 43, s. 32.

Penalties to be  
payable to  
municipality.

**34.** All penalties whatever, recovered under this Act, shall be paid to the Treasurer of the Municipality in which such penalties have been incurred, for the use of the Municipality. 36 V. c. 43, s. 33.

Offences may  
be prosecuted  
though pro-  
clamation no  
longer in force.

**35.** All offences committed against this Act while the same is in force in this Province, or in any part thereof, shall be prosecuted, and the parties committing the same, convicted and punished therefor as herein provided, as well after as during the time that such proclamation or proclamations are in force. 36 V. c. 43, s. 34.

No proceeding  
to be quashed  
for want of  
form, or be re-  
movable into  
Superior  
Court.

**36.** No order or any other proceeding, matter or thing done or transacted in, or relating to the execution of this Act shall be vacated, quashed or set aside for want of form or be removed or removable by *certiorari*, or other writ or process whatsoever, into any of the Superior Courts. 36 V. c. 43, s. 35.



## CHAPTER 191.

## An Act respecting Vaccination and Inoculation.

Hospitals, etc.:	And of Vaccinator:
To keep vaccine matter on hand,	Certificate of vaccination to be
s. 1.	given to parent, s. 9.
And set apart a small-pox ward, s.	And sent to City Clerk, s. 10.
3.	If child found unfit for vaccina-
Otherwise not to receive public	tion, s. 10.
moneys, ss. 2,3.	If child not susceptible of vaccine
Annual report to Legislature, s.	disease, s. 11.
4.	Fees for vaccination, s. 12.
Councils of Cities:	Penalties:
To provide for free vaccination, s.	For not having child vaccinated,
5.	s. 13.
And appoint a place therefor in	Plea of previous convictions, s. 14.
every Ward, s. 6.	For inoculating with variolous
Duties of Parents:	matter, C. S. C. c. 39, s. 1.
To have child vaccinated within	If offender a medical man, license
three months after birth, s. 7.	forfeited, s. 15.
And exhibit it to vaccinator eight	But may be restored, s. 15.
days afterwards, s. 8.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Trustees, Governors, Directors, or other officers or persons having at any time the control and management of any Hospital or Dispensary receiving aid from the public funds of this Province, shall keep at all times in such Hospital or Dispensary an adequate supply of vaccine matter for the following purposes, viz. :

*First.*—For the vaccination, by a legally qualified medical practitioner attached to such Hospital or Dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such Hospital or Dispensary for that purpose, during one day in every week ; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the Hospital or Dispensary ;

*Second.*—For the purpose of furnishing, on application, to each and every legally qualified medical practitioner, such

Trustees, &c., of Hospitals to keep vaccine matter for certain purposes.

For the vaccination of the poor.

Fee.  
How applied.

For furnishing legally quali-

fed medical practitioners. reasonable quantities of the said matter as he from time to time requires ;

For the use of the Indians. *Third.*—For the purpose of furnishing, on application, to the Superintendent-General of Indian Affairs, or his Assistant, or to any Visiting Superintendent of Indian Affairs, such reasonable quantities of the said matter as he may from time to time require for the use and benefit of any settlement of Indians. C. S. C. c. 39, s. 3.

No warrant for the payment of money to issue to any Hospital unless it has a sufficient quantity of vaccine matter on hand, &c. **2.** No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any Hospital or Dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such Hospital or Dispensary, to the effect that there is actually on hand in such Hospital or Dispensary a supply of vaccine matter which is expected to be sufficient for the purposes aforesaid from the date of such certificate, or setting forth reasons and grounds in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless nor until a certificate, signed as aforesaid, to the effect that at no time since the date of the then last certificate in this behalf, has the demand upon such Hospital or Dispensary for such matter for the purposes aforesaid, exceeded the supply thereof on hand in such Hospital or Dispensary, or setting forth reasons and grounds in explanation of any deficiency of such supply, to the satisfaction of the Lieutenant-Governor in Council, has been filed as aforesaid. C. S. C. c. 39, s. 4.

No public money to be paid to any Hospital unless it has a small pox ward. **3.** No warrant shall issue for the payment of any sum of money granted by the Legislature to any Hospital, unless a certificate has been filed with the Clerk of the Executive Council, signed by a medical officer of such Hospital to the effect that there is in such Hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with small pox. 24 V. c. 24, s. 1.

Annual statement to be laid before Legislature respecting vaccination. **4.** The Trustees, Governors, Directors, or other officers or persons having for the time being the control and management of any Hospital or Dispensary to which aid has been granted during any Session of the Legislative Assembly of this Province, shall cause to be transmitted to the Lieutenant-Governor, through the Provincial Secretary, in time to admit of copies thereof being laid before the Legislative Assembly, during the first fifteen days of the then next Session, a statement certified by the proper officers of such Hospital or Dispensary, shewing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. C. S. C. c. 39, s. 5.

## SPECIAL PROVISIONS AS TO CITIES.

5. It shall be lawful for the Council of every City now being or which may hereafter be in this Province, and they are hereby respectively empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract expires, for the vaccination, at the expense of the City, of all poor persons, and, at their own expense, of all other persons, resident in such City, who come to such medical practitioner or practitioners for that purpose.

Certain cities may employ medical practitioners to vaccinate the citizens, &c.

2. It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting. 24 V. c. 24, s. 2; 40 V. c. 7, *Sched. A* (203).

Remuneration to depend on success.

6. The Council of each such City shall appoint a convenient place in each Ward of such City for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such Ward, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, once at the least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. 24 V. c. 24, s. 3.

City to appoint a convenient place in each ward for the purpose.

7. The father or mother of every child born in any such City, shall, at some such appointed time, within three calendar months after the birth of such child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some such appointed time, within four calendar months after the birth of such child, take or cause to be taken, the said child to the medical practitioner in attendance at the appointed place in the Ward in which the said child is resident, according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless such child has been previously vaccinated by some legally qualified medical practitioner and the vaccination duly certified; and the said medical practitioner so appointed, shall, and he is hereby required, thereupon, or as soon after as it can conveniently and properly be done, vaccinate the said child. 24 V. c. 24, s. 4.

Parents, &c., bound to take children to be vaccinated.

8. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or

And exhibit them to the medical prac-

tioner on the eighth day. other person having the care, nurture or custody of the said child as aforesaid, shall again take or cause to be taken the said child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that such medical practitioner may ascertain by inspection the result of such operation. 24 V. c. 24, s. 5.

Certificate of successful vaccination to be given.

9. Upon and immediately after the successful vaccination of any child born in any such City, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of said child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Clerk of the City in which the operation was performed.

What to be evidence of.

2. Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint brought against the father or mother of such child, or against the person who has had the care, nurture or custody of such child as aforesaid, for non-compliance with the provisions of this Act. 24 V. c. 24, s. 6.

If the child be found unfit for vaccination.

10. If any medical practitioner appointed as aforesaid is of opinion that any child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care, nurture or custody of such child as aforesaid on demand and without fee or reward, a certificate under his hand, according to the form of Schedule B to this Act, that the child is in an unfit state for successful vaccination.

Certificate.

How long to be in force.

2. Such certificate, or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery as aforesaid; and the father or mother of the said child, or the person having the care, nurture or custody of the said child as aforesaid, shall, (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate as aforesaid, and if said child is not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until such child has been successfully vaccinated, take or cause to be taken to the said medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the said medical practitioner deems the said child to be then in a fit and proper state for such successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of such child, deliver to the father or mother of such

Re-presentation of the child to be repeated until successful vaccination.

Certificate.



child, or the person having the care, nurture or custody of such child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that such child has been successfully vaccinated; but if the said medical practitioner is of opinion that the said child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture or custody of such child, as aforesaid, a certificate under his hand, according to the form of Schedule B to this Act, that the child is still in an unfit state for successful vaccination, and the said medical practitioner, so long as such child remains in an unfit state for vaccination and unvaccinated, shall at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of such child, or to the person having the care, nurture or custody of such child, a fresh certificate under his hand, according to the form of Schedule B of this Act.

3. The production of such certificate or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. 24 V. c. 24, s. 7. Effect of certificate.

11. In the event of any medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any such child as aforesaid, that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of such child, or to the person having, as aforesaid, the care, nurture or custody of such child, a certificate under his hand, according to the form of Schedule C to this Act; and the production of such certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. 24 V. c. 24, s. 8. If the child is found insusceptible of vaccine disease.

12. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act. 24 V. c. 24, s. 9. Fees under this Act.

13. If any father or mother, or person so having as aforesaid the care, nurture or custody of any such child as aforesaid, does not cause such child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions in this Act respectively contained, then such father or mother, or person having the care, nurture or custody of such child as aforesaid, so offending, shall be liable to a penalty not exceeding five dol- Penalty for non-compliance with the requirements of this Act.

Recovery.

lars, recoverable on summary conviction before the Police Magistrate for the City in which the offence was committed, or if there is no such officer, then before any two Justices of the Peace sitting and having jurisdiction in such City.

Rev. Stat. c. 74.

2. The provisions of *The Act respecting Summary Convictions before Justices of the Peace*, shall be applicable to the recovery of such penalties. 24 V. c. 24, s. 10.

How far and when plea of conviction shall avail.

14. After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

2. The production of a certificate in the form of Schedule A or C, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against any such complaint; but the production of a certificate in the form of Schedule B shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. 24 V. c. 24, s. 11.

The license of the person contravening C. S. C. c. 39, s. 1, to become null.

15. If any person licensed to practise Medicine, Surgery, or Midwifery in this Province, is convicted of an offence against the first section of chapter thirty-nine of the Consolidated Statutes of Canada, entitled "*An Act respecting Inoculation and Vaccination*," the license of such person in that behalf shall thereby become null and void and of no effect, and such person shall, from and after the date of such conviction, be liable to the same penalty in the event of his practising Medicine, Surgery, or Midwifery in Ontario, as he would have been liable to for so doing if he had never been licensed to practise the same; But it shall be lawful for the Lieutenant-Governor, on the certificate of the College of Physicians and Surgeons of Ontario, at any time after the expiration of the term of imprisonment of any such person so convicted as aforesaid, again to license such person to practise Medicine, Surgery, and Midwifery as aforesaid, and thereupon and thereafter such person shall no longer be liable to any fine or penalty for so doing. C. S. C. c. 39, s. 2.

Proviso: license may be renewed, &c.

[Section 1 of C. S. C. c. 39, is as follows:—

Penalty against persons inoculating with variolous matter.

15. Any person producing or attempting to produce, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article or thing impregnated with variolous matter, or wilfully, by any other means whatsoever, the disease of small pox in any person in this Province, shall be liable to be proceeded against and convicted summarily before any two Justices, and for every such offence shall, upon conviction, be imprisoned for any term not exceeding one month. 16 V. c. 170, s. 1.]

SCHEDULE "A."

(Sections 9, 10, and 14.)

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that \_\_\_\_\_, the child of  
\_\_\_\_\_, aged \_\_\_\_\_, of \_\_\_\_\_ Ward, in the City of  
\_\_\_\_\_, has been successfully vaccinated by me

(Signed,)      A. B.

Dated this      day of      , 18 .

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SCHEDULE "B."

(Sections 10 and 14.)

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, hereby certify that I am of opinion that  
\_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_ Ward, in  
the City of \_\_\_\_\_, aged \_\_\_\_\_, is not now in a fit and  
proper state to be successfully vaccinated, and I do hereby postpone the  
vaccination until the \_\_\_\_\_ day of \_\_\_\_\_

(Signed,)      A. B.

Dated this      day of      , 18 .

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SCHEDULE "C."

(Sections 11 and 14.)

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, hereby certify that I am of opinion that  
\_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_ Ward, in the  
City of \_\_\_\_\_, is insusceptible of the vaccine disease.

(Signed,)      A. B.

Dated this      day of      , 18 .

## 8 *Protection of the Person.*

CHAP. 192.—Egress from Public Buildings, p. 1976.

“ 193.—Prevention of Accidents from Threshing Machines, p. 1977.

### CHAPTER 192.

#### An Act to regulate the means of Egress from Public Buildings.

Doors of public buildings to open outwards, s. 1.	Penalties, s. 3.
Liability of Corporations not conforming to this Act, s. 2.	Officers to enforce this Act, ss. 4, 5. Act not to apply to convents, &c., s. 6.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Doors of churches, etc., to be hinged so as to open outwards.

1. In all churches, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. 29-30 V. c. 22, s. 1.

Congregations incorporated and trustees holding for congregations under Rev. Stat. c. 216, and rectors, &c., holding under 3 Vict., c. 74, liable for neglecting the provisions of this Act.

2. Congregations possessing corporate powers, and all trustees holding churches or buildings used for churches under *The Act respecting the property of Religious Institutions*, and incumbents and churchwardens holding churches, or buildings used for churches, under the Act of the Parliament of the late Province of Upper Canada, passed in the third year of the reign of Her Majesty, Queen Victoria, chapter seventy-four, intituled “ *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*,” and all other persons holding churches or buildings used for churches, under any other Act, shall be severally liable as trustees for such societies or congregations, to the provisions of this Act. 29-30 V. c. 22, s. 3 (2).



**3.** Individuals, companies and corporations owning or possessing public halls, churches or other buildings used for public meetings, who violate the provisions of this Act, shall be liable to a fine not exceeding fifty dollars, recoverable on information before any two of her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any City or Town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the Municipality within which the case arises: and parties so complained against shall be liable to a further fine of five dollars for every week succeeding that in which the complaint is laid, if the necessary changes are not made. 29-30 V. c. 22, s. 3 (1).

Individuals, companies and corporations liable to fine for neglecting the provisions of this Act.

**4.** In Cities, Towns and incorporated Villages, it shall be the duty of the High Bailiff, Chief Constable, or Chief of Police, to enforce the provisions of this Act, and such officers neglecting the performance of such duties shall be liable to a fine not exceeding fifty dollars, recoverable in the manner and before the Justices of the Peace, and payable to the parties mentioned in the third section of this Act. 29-30 V. c. 22, s. 6.

Duties of municipal officers-

**5.** County and Township Municipalities may, by by-law, appoint an officer to enforce the provisions of this Act. 29-30 V. c. 22, s. 7.

Officer to enforce this Act.

**6.** This Act shall not be construed to apply to convents or private chapels connected therewith. 29-30 V. c. 22, s. 8

Not to apply to convents.

[See also Rev. Stat. c. 174, s. 454 (11).]

CHAPTER 193.

An Act to require the Owners of Threshing and other Machines to guard against Accidents.

Machinery to be protected by guards, s. 1.	Application of penalties, s. 4.
Penalty for infringement of this Act, ss. 2, 3.	Limitation of prosecutions, s. 5.
	Defects of form in convictions, s. 6.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain machines to be so protected as to prevent injury to persons near them.

**1.** All persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, couplings or joints and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts in such manner as shall prevent damage from oiling when the machine is in motion; and shall further cause a driver's platform to be placed on any horse-power used for driving machinery, of such size as to cover the gearing constituting said horse-power, and in such manner as to prevent accident arising to any person from contact with said gearing. 37 V. c. 12, s. 1.

Penalty for non-compliance with provisions of this Act.

**2.** Any person or persons owning or running any threshing, wood sawing or other machine, connected to a horse power by means of a tumbling rod or line of shafting, who neglect or refuse to comply with the provisions of this Act, shall on summary conviction, on information or complaint before one or more Justices of the Peace, be liable to a fine of not less than one dollar nor more than twenty dollars, over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the nearest Common Gaol for a period of not less than two or more than twenty days, at the discretion of such Justice or Justices of the Peace. 37 V. c. 12, s. 2.

No action for services rendered if provisions of this Act are not complied with.

**3.** No action shall be maintained, nor shall any legal liability exist for services rendered by or with any machine, such as is mentioned in the first section of this Act, when it is made to appear that the said section has not been complied with. 37 V. c. 12, s. 3.

Disposition of fines.

**4.** All fines imposed and collected under this Act shall be paid, one half to the complainant or prosecutor, and the other half to the Treasurer of the School Section in which the offence was committed, for the use of the Public School in such Section. 37 V. c. 12, s. 4, *part*.

Proceedings to be commenced within thirty days.

**5.** All proceedings against any person for any violation of the first section of this Act shall be commenced within thirty days after the commission of the offence. 37 V. c. 12, s. 4, *part*.

Convictions defective in form.

**6.** No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. 37 V. c. 12, s. 5.

## 9. *Protection of Property.*

- CHAP. 194.—Tax on Dogs and the protection of Sheep, p. 1979.  
 “ 195.—Pounds and the duties of Pound-keepers, p. 1984.  
 “ 196.—Investigation of accidents by Fire, p. 1989.  
 “ 197.—To provide for the filling up or otherwise shutting off the water flowing into abandoned Oil Wells, p. 1992.  
 “ 198.—Line Fences, p. 1993.  
 “ 199.—Ditching Watercourses, p. 2000.

### CHAPTER 194.

#### An Act to impose a Tax on Dogs and for the Protection of Sheep.

##### Tax on Dogs:

To be levied annually, s. 1.  
 Unless dispensed with by County by-law, s. 2.

But may be restored in any Township by by-law, s. 2.

Duties of Assessors, s. 3.

Duties of owners of dogs, s. 4.

Duties of Collectors, ss. 5, 6.

Non-tax paying dogs may be ordered to be destroyed, s. 6.

Moneys collected to form a fund for paying damages to sheep, s. 7.

Unless County Council otherwise declares by by-law, s. 8.

Which may be repealed and re-enacted, s. 9.

##### Protection of Sheep:

Dogs pursuing sheep may be destroyed, s. 10.

General issue by statute pleadable in such case, s. 11.

Dogs accustomed to worry sheep may be destroyed. Procedure, ss. 12-14.

Besides civil remedy for damages, s. 15.

By action or summary proceedings, s. 16.

Proof of defendant's knowledge unnecessary, s. 16.

Dogs worrying sheep to be destroyed on notice to owner, s. 17.

When Municipal Council to pay for damage to sheep, ss. 18, 19.

Claim thenceforth to belong to the Municipality, s. 20.

No claim if sheep running at large, s. 21.

Civil remedy for damages when dog tax dispensed with, s. 22.

Fees to magistrates under this Act, s. 23.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### TAX ON DOGS.

1. Subject to the provisions of the next section, there shall be levied annually, in every Municipality in Ontario, upon the owner of each dog therein, an annual tax of one dollar for each dog, and two dollars for each bitch. 32 V. c. 31, s. 2.

Annual tax on dogs.

Unless dispensed with by County by-law.

**2.** In case the Council of any County or Union of Counties deems it advisable to dispense with the levy of the said tax, it shall be lawful for such Council to declare by by-law that the said tax shall not be levied in any of the Municipalities within its jurisdiction.

Tax may be restored by Township by-law.

**2.** Immediately upon the passing of any such County by-law the Council shall cause its Clerk to transmit a copy of the same to the Assessor or Assessors of every Municipality within its jurisdiction; and the County by-law shall have effect within every such Municipality, unless the Council thereof by by-law declares this Act to be in force therein, whereupon the said County by-law shall not apply to or have any effect within such Municipality. 32 V. c. 31, s. 2; 39 V. c. 30, s. 1.

Duty of assessors herein.

**3.** The Assessor or Assessors of every Municipality within which this Act has not been dispensed with, as provided in the foregoing section, shall, at the time of making their annual assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner or keeper of any dog or dogs, the number by him or her owned or kept. 32 V. c. 31, s. 3. *See Rev. Stat. c. 180, s. 12 (4), & Sched. B.*

Duty of owners of dogs.

**4.** The owner or keeper of any dog shall, when required by the Assessor or Assessors, deliver to him or them, in writing, the number of dogs owned or kept, whether one or more; and for every neglect or refusal to do so, and for every false statement made in respect thereof, shall incur a penalty of five dollars, to be recovered with costs before any Justice of the Peace for the Municipality, 32 V. c. 31, s. 4.

Penalty.

Tax entered on collector's roll.

**5.** The Collector's roll of the Municipality shall contain the name of every person entered on the assessment roll as the owner or keeper of any dog or dogs, with the tax hereby imposed, in a separate column; and the Collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the Treasurer of the Municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the Treasurer, as in the case of other taxes levied in the Municipality. 32 V. c. 31, s. 5.

Proceedings where collector has failed to collect taxes from parties assessed for dogs.

**6.** In cases where parties have been assessed for dogs, and the Collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice shall, by an order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owner or owners thereof; and if such owner or owners neglect or refuse to obey the said order, he or they shall be liable to the penalty, to be recovered in

Penalty.



the same way and manner as provided in section sixteen of this Act; and in case any Collector neglects to make the aforesaid report within the time required for paying over the taxes levied in the Municipality, he shall be liable to a penalty of ten dollars and costs, to be recovered in the same manner as provided in section sixteen of this Act. 32 V. c. 31, s. 13. Penalty.

7. The money collected and paid to the Clerk or Treasurer of any Municipality under the preceding sections, shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep or lambs in such Municipality; and the residue, if any, shall form part of the assets of the Municipality for the general purposes thereof; but when it becomes necessary, in any year for the purpose of paying charges on the same, the fund shall be supplemented to the extent of the amount which has been applied to the general purposes of the Municipality. 32 V. c. 31, s. 6. Tax to form fund for damages, etc.

8. In case the Council of any County or Union of Counties deems it advisable that the tax by this Act established should be maintained, but that the application of the proceeds thereof by this Act provided should be dispensed with, it shall be lawful for such Council by by-law to declare, that such application shall be dispensed with; and thereafter, during the continuance of such by-law, the clauses of this Act numbered six, seven, and sixteen to twenty-two inclusive shall have no force or effect in any of the Municipalities within the jurisdiction of such Council; and the moneys collected and paid to the Clerk or Treasurer of any such Municipality, under the remaining clauses of this Act, shall be the property of such Municipality, and shall be subject to its disposition in like manner as other local taxes. 32 V. c. 31, s. 17. Provision for cases in which council maintains taxes, but does not apply proceeds thereof.

9. The Council of any County or Union of Counties shall by them have power, from time to time, to repeal any by-law passed under the authority of this Act, and to enact or re-enact any by-law authorized by this Act. 32 V. c. 31, s. 18. County council may repeal by-laws passed under Act.

#### PROTECTION OF SHEEP.

10. Any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb. 27 V. c. 20, s. 1; 32 V. c. 31, s. 11. Dogs seen worrying sheep may be killed.

11. The defendant in any action of damages for killing a dog under the circumstances in the preceding section mentioned, may plead the general issue and give this Act and the special matter in evidence. 27 V. c. 20, s. 7. Plea to action for killing a dog.

12. On complaint made in writing on oath before any Justice of the Peace for any City, Town or County or Union of Persons owning dogs addicted to

worrying may be summoned before a Justice of the Peace.

Counties, that any person residing in such City, Town or County, or Union of Counties, owns or has in his possession a dog which has within six months previous worried and injured or destroyed any sheep, such Justice of the Peace may issue his summons, directed to such person, stating shortly the matter of such complaint, and requiring such person to appear before him, at a certain time and place therein stated, to answer to such complaint, and to be further dealt with according to law. 27 V. c. 20, s. 2.

Proceedings, how regulated.

**13.** The proceedings on such complaint and summons shall be regulated by *The Act respecting Summary Convictions before Justices of the Peace*, which shall apply to cases under this Act. 27 V. c. 20, s. 3.

Rev. Stat. c. 74.

On conviction of the fact, dog to be ordered to be destroyed and owner fined.

**14.** In case any person is convicted, on the oath of a credible witness, of owning or having in his possession a dog which has worried and injured or destroyed any sheep, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within three days, and in default thereof may in his discretion impose a fine upon such person, not exceeding twenty dollars with costs; and all penalties imposed under this section shall be applied to the use of the Municipality in which the defendant resides. 27 V. c. 20, s. 4.

Conviction no bar to action for damages.

**15.** No conviction under this Act shall be a bar to any action by the owner or possessor, as aforesaid, of any sheep for the recovery of damages for the injury done to such sheep, in respect of which such conviction is had. 27 V. c. 20, s. 5.

Extent of liability of owner or keeper of dog.

**16.** The owner of any sheep or lamb killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Act respecting Summary Convictions before Justices of the Peace*, in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover on such action or proceedings, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep. 27 V. c. 20, s. 6; 32 V. c. 31, s. 7.

Rev. Stat. c. 74.

Dogs known to worry sheep to be killed by owner.

**17.** The owner or keeper of any dog or dogs, to whom notice is given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog or dogs to be killed; and for every neglect so to do he shall forfeit a sum of two dollars and fifty cents for every

Penalty.

such dog, and a further sum of one dollar and twenty-five cents for each such dog for every forty-eight hours thereafter, until the same is killed—if it is proved to the satisfaction of the Justice of the Peace before whom proceedings are taken for the recovery of such penalties, that such dog or dogs has or have worried or otherwise injured such sheep or lamb: but no such penalties shall be enforced in case it appears to the satisfaction of such Justice of the Peace that it was not in the power of such owner or keeper to kill such dog or dogs. 32 V. c. 31, s. 12.

Proviso.

Proviso.

**18.** In case the owner of any sheep or lamb so killed or injured proceeds against the owner or keeper of the dog that committed the injury, before a Justice of the Peace, as provided by this Act, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the Council of the Municipality in which the offender resided at the time of the injury shall order their Treasurer to pay to the aggrieved party the amount ordered to be paid by the Justice under such conviction, saving and excepting the costs of the proceedings before such Justice and before the Council. 32 V. c. 31, s. 9.

Provision for cases where there is a conviction, but distress insufficient.

**19.** The owner of any sheep or lamb killed or injured by any dog, the owner or keeper of which is not known, may, within three months, apply to the Council of the Municipality in which such sheep or lamb was so killed or injured, for compensation for the injury; and if such Council (any member of which shall be competent to administer an oath or oaths in examining parties in the premises) is satisfied that the aggrieved party has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that such owner or keeper cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the Treasurer of such Municipality shall pay over to him the amount so awarded. 32 V. c. 31, s. 8.

Provision for cases in which owner of dog not known.

**20.** After the owner of such sheep or lamb has received from the Municipality any money under either of the preceding sections, his claim shall thenceforth belong to such Municipality; and they may enforce the same against the offending party for their own benefit, by any means or form of proceeding that the aggrieved party was entitled to take for that purpose, but in case such Municipality recovers from the offender more than they had paid to the aggrieved party, besides their costs, they shall pay over the excess to such aggrieved party for his own use. 32 V. c. 31, s. 10.

After compensation paid by municipality, claims to belong to them.

Proviso.

**21.** The owner of any sheep or lamb killed or injured while running at large upon any highway or unenclosed land, shall have no claim under this Act to obtain compensation from any Municipality. 32 V. c. 31, s. 15.

Cases where owner of sheep, etc., has no compensation.

Liability of  
dog owner to  
sheep owner  
where tax not  
imposed.

**22.** If the Council of any County or Union of Counties, by by-law, decides to dispense with the levy of the aforesaid tax in the Municipalities within its jurisdiction, the owner of any sheep or lamb to the contrary may notwithstanding sue the owner or keeper of any dog or dogs for the damage or injury done by the said dog or dogs to the said sheep or lamb; and the same shall be recovered in the way and manner provided by section sixteen of this Act. 32 V. c. 31, s. 14.

Fees and re-  
turns by  
Justices.

**23.** Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions or orders under this Act as it is lawful for him to charge in other cases within his jurisdiction; and he shall make the returns usual in cases of conviction, and also a return in each case to the Clerk of the Municipality, whose duty it shall be to enter the same in a book to be kept for that purpose. 32 V. c. 31, s. 16.

## CHAPTER 195.

### An Act respecting Pounds.

Act to be in force unless superseded by municipal by-law, s. 1.	If animal not impounded, s. 12.
Land-owner or occupant liable for damage by animals under his charge, s. 2.	Contents of, s. 13.
What animals may be impounded, s. 3.	Pound-keeper to feed impounded animals, s. 14.
Where, if pound not safe, s. 4.	And may recover allowance therefor, s. 15.
Statement of damage and security to be furnished to pound-keeper, s. 5.	By summary proceedings, s. 16.
When distrainer may himself detain the animal, s. 6.	Or by sale of animal, ss. 17, 18.
Notice to owner, in such case, s. 7.	Application of surplus, s. 18.
Or to Township Clerk if owner unknown, s. 8.	If damages disputed, s. 19.
Duty of Clerk thereon, s. 9.	Fence viewers to arbitrate, s. 20.
Notice in newspaper, when, s. 10.	And certify award to pound-keeper, s. 21.
Notice of sale—	Penalties:
If animal impounded, s. 11	For neglecting to feed impounded animals, s. 22.
	For neglect of duty by fence viewers, s. 23.
	How to be recovered, s. 24.
	Application of, s. 25.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. Until varied or other provisions are made by by-laws Act may be superseded by by-laws under Rev. Stat. c. 174, s. 463.  
passed under the authority of section four hundred and sixty-three of "*The Municipal Act*," this Act shall be in force in every Township, City, Town, and incorporated Village in Ontario. 29-30 V. c. 51, s. 355.

2. The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the by-laws of the Municipality shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such by-laws. 29-30 V. c. 51, s. 355 (1). Liability for damage done.

3. If not previously replevied, the Pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbours' premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any Justice of the Peace and fined such sum as the Justice directs. 29-30 V. c. 51, s. 355 (2). What animals to be impounded.  
  
Poultry.

4. When the common pound of the Municipality or place wherein a distress has been made is not secure, the Pound-keeper may confine the animal in any enclosed place within the limits of the Pound-keeper's division within which the distress was made. 29-30 V. c. 51, s. 355 (3). When the common pound is not safe.

5. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the Pound-keeper for all costs, damages and poundage fees that may be established against him, but the person distraining and impounding the animal shall, at the time of such impounding, deposit poundage fees, if such are demanded, and within twenty-four hours thereafter deliver to the Pound-keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding twenty dollars, done by such animal, exclusive of such poundage fees, and shall also give his written agreement (with a surety if required by the Pound-keeper) in the form following, or in words to the same effect:

"I (or we, as the case may be) do hereby agree that I (or we) will pay to the owner of the (describing the animal) by me (A. B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A. B. proves to be illegal, or in case the claim for damages now put in by me the said A. B. fails to be established."

Form of agreement with pound-keeper.

29-30 V. c. 51, s. 355 (4).

If the animal  
is of a certain  
kind.

**6.** In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the Municipality for straying within his premises, such person, instead of delivering the animal to a Pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him. 29-30 V. c. 51, s. 355 (5).

If the owner  
is known.

**7.** If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal. 29-30 V. c. 51, s. 355 (6).

If unknown,  
notice to clerk  
of municipi-  
pality.

**8.** If the owner is unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the Clerk of the Municipality a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be. 29-30 V. c. 51, s. 355 (7).

Duty of clerk  
thereon.

**9.** The Clerk, on receiving such notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner. 29-30 V. c. 51, s. 355 (8).

If the animals  
are worth \$10  
or over,

**10.** If the animal or any number of animals taken up at the same time is or are of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the County, if one is published therein, and if not, then in a newspaper published in an adjoining County, and to be continued therein once a week for three successive weeks. 29-30 V. c. 51, s. 355 (9).

Notice of sale.

When sale  
may be made.

**11.** In case an animal is impounded, notices for the sale thereof shall be given by the Pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. 29-30 V. c. 51, s. 355 (10).

If animal is  
not impound-  
ed, but re-  
tained.

**12.** In case the animal is not impounded, but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up. 29-30 V. c. 51, s. 355 (11).

Notice of sale  
unless re-  
deemed.

**13.** The notices of sale may be written or printed, and shall be affixed and continued for three clear successive days, in three public places in the Municipality, and shall specify the time and

place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the Pound-keeper, and also of the Fence-viewers (if any); and the expenses of the animal's keeping. 29-30 V. c. 51, s. 355 (12).

**14.** Every Pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. 29-30 V. c. 51, s. 355 (13). Keeper to feed impounded cattle.

**15.** Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. 29-30 V. c. 51, s. 355 (14). And may recover the value.

**16.** The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the Municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of Pound-keepers' fees and charges established by the by-laws of the Municipality. 29-30 V. c. 51, s. 355 (15). In what manner such value may be recovered.

**17.** The Pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. 29-30 V. c. 51, s. 355 (16). Other mode of enforcing.

**18.** In case it is by affidavit proved before one of the Justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the Pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any Pound-keeper, but retained the same in his own possession, then any Pound-keeper of the Municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid Sale, how effected, &c.; and purchase money, how applied.

notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable (not exceeding twenty dollars,) to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the Pound-keeper shall pay such surplus to the Treasurer of and for the use of the Municipality. 29-30 V. c. 51, s. 355 (17).

Disputes regarding such demand, how determined.

**19.** If the owner, within forty-eight hours after the delivery of such statements, as provided in the fifth section, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three Fence-viewers of the Municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the Pound-keeper. 29-30 V. c. 51, s. 355 (18).

Fence-viewers to view and appraise damage.

**20.** Such Fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the Pound-keeper a written statement signed by at least two of them of their appraisement, and of their lawful fees and charges. 29-30 V. c. 51, s. 355 (19).

Proceedings where fence-viewers decide against the legality of a fence.

**21.** If the Fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the Pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the Pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. 29-30 V. c. 51, s. 355 (21).

Liability of pound-keeper refusing to feed animal impounded.

**22.** In case any Pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall, for every day during which he so refuses or neglects, forfeit a sum not less than one dollar nor more than four dollars. 29-30 V. c. 51, s. 355 (22).



**23.** Any Fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the Municipality, by summary proceedings before a Justice of the Peace upon the complaint of the party aggrieved, or the Treasurer of the Municipality. 29-30 V. c. 51, s. 355 (20). Penalty for neglect of duty by fence-viewers.

**24.** Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, before any Justice of the Peace for the County, or of the Municipality in which the offence was committed; and, in default of payment, the offender may be committed to the Common Gaol, House of Correction, or Lock-up House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. 29-30 V. c. 51, s. 355 (23). Recovery and enforcement of penalties.  
Imprisonment in default of payment.

**25.** When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner: one moiety to the City, Town, Village or Township in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice seems proper. 29-30 V. c. 51, s. 355 (25). Application of penalties.

## CHAPTER 196.

### An Act respecting the investigation of Accidents by Fire.

When investigation to be held, s. 1.	those already vested in Coroner, s. 6.
Power of Coroner as to evidence, s. 2.	Allowance to Coroner, s. 7.
As to empanelling a jury, s. 3.	By whom payable, s. 8.
As to attendance of witnesses, s. 4.	Municipality, when liable for, s. 9.
As to jurors, s. 5.	Costs of adjournments, when allowed, s. 10.
These powers are in addition to	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Whenever any fire has occurred, whereby any house or other building has been wholly or in part consumed, the Coroner to inquire into the origin of fires.

oner within whose jurisdiction the locality is situated, shall institute an inquiry into the cause or origin of such fire, and whether it was kindled by design, or was the result of negligence or accident, and act according to the result of such inquiry ; C. S. C. c. 88, s. 1.

Such inquiry  
not to take  
place except  
under certain  
circumstances.

2. But it shall not be the duty of the Coroner to institute an inquiry into the cause or origin of any fire or fires by which any house or other building has been wholly or partly consumed, nor shall such inquiry be had, until it has first been made to appear to such Coroner that there is reason to believe that such fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property require an investigation. C. S. C. c. 88, s. 3.

Evidence to be  
taken on oath.

2. For the purpose of such investigation, such Coroner shall summon and bring before him all persons whom he deems capable of giving information or evidence touching or concerning such fire, and shall examine such persons on oath, and shall reduce their examinations to writing, and return the same to the Clerk of the Peace for the District or County within which they have been taken. C. S. C. c. 88, s. 2.

Jury may be  
empanelled in  
certain cases.

3. The Coroner may in his discretion, or in conformity with the written requisition of any agent of an Insurance Company, or of any three householders in the vicinity of any such fire, empanel a jury chosen from among the householders resident in the vicinity of the fire, to hear the evidence that may be adduced touching or concerning the same, and to render a verdict under oath thereupon in accordance with the facts. C. S. C. c. 88, s. 4.

Coroner may  
enforce attend-  
ance of wit-  
nesses.

4. If any person summoned to appear before any Coroner acting under this Act, neglects or refuses to appear at the time and place specified in the summons, or if any such person, appearing in obedience to any such summons, refuses to be examined or to answer any questions put to him in the course of his examination, the Coroner may enforce the attendance of such person, or compel him to answer, as the case may require, by the same means as such Coroner might use in like cases at ordinary inquests before him. C. S. C. c. 88, s. 5.

Punishment  
of jurors not  
attending, &c.

5. If any person having been duly summoned as a juror upon any such inquiry, does not, after being openly called three times, appear and serve as such juror, the Coroner may impose upon the person so making default such fine as he thinks fit, not exceeding four dollars ; and such Coroner shall make out and sign a certificate containing the name, residence, trade or calling of such person, together with the amount of the fine imposed, and the cause of such fine, and shall transmit the certificate to the Clerk of the Peace in the District or County in which such

defaulter resides, on or before the first day of the General Sessions of the Peace then next ensuing for such District or County, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence, within a reasonable time after such inquest; and all fines and forfeitures so certified by such Coroner shall be estreated, levied and applied in like manner, and subject to like powers, provisions and penalties in all respects, as if they had been part of the fines imposed at such General Sessions. C. S. C. c. 88, s. 6.

Fines and how levied.

**6.** Nothing herein contained shall affect any power by law vested in any Coroner for compelling any person to attend and act as a juror, or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of Court in not so attending and acting or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of inquiries under this Act. C. S. C. c. 88, s. 7.

Certain powers of Coroners not to be affected.

**7.** Where any such inquiry has been held by the Coroner, in respect of fire in any City, Town or Incorporated Village, in conformity with this Act, the Coroner holding the same shall be entitled therefor to the sum of ten dollars, and should the said inquiry extend beyond one day, then to ten dollars *per diem* for each of two days thereafter, and no more; and in the case of an investigation concerning a fire occurring in any place, not within a City, Town, or incorporated Village the allowance to the Coroner shall be five dollars for the first day, and should the inquiry extend beyond one day, then four dollars for each of two days thereafter, and no more. C. S. C. c. 88, s. 9; 23 V. c. 35, s. 1.

Allowance to Coroners holding inquiries.

**8.** In all cases, the party requiring any such investigation shall alone be responsible for the expenses of and attending such investigation. 24 V. c. 33, s. 1.

Party requiring it to pay the cost.

**9.** No Municipality shall be liable for any such expense unless the investigation is required by an instrument under the hands and seals of the Mayor or other head officer of the Municipality, and of at least two other members of the Council thereof; and such requisition shall not be given to charge any Municipal Corporation, unless there are strong special and public reasons for granting the same. 24 V. c. 33, s. 2.

When only a Municipality shall be liable.

**10.** No expenses of or for an adjournment of any such inquest shall be chargeable against or payable by the party or Municipal Corporation calling for or requesting the investigation to be held, unless it is clearly shown by the Coroner, and certified under his hand, why and for what purpose an adjournment took place or became necessary in his opinion. 24 V. c. 33, s. 3.<sup>1</sup>

In what case only costs of an adjournment shall be allowed.

## CHAPTER 197.

## An Act respecting abandoned Oil Wells.

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Owners of oil wells affected by water from any abandoned oil well may apply to Council for leave to fill up such abandoned well, s. 1.	Notice to owner of abandoned well, s. 2.
Powers of Council, s. 1 (2).	Right of complainant on default of owner, s. 3.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Owners of well injured may apply to Municipal Councils to fill up abandoned wells.

1. If the working of any oil well is retarded or injured by the water existing in or flowing into any abandoned oil well in the vicinity of the well so injured, it shall and may be lawful for the owner of such well so injured to apply to the Municipal Council of the Municipality in which such abandoned well is situated, for the purpose of being allowed by such Council to either fill up such abandoned well or in some other effectual way to shut off the water flowing therein.

Powers of the Council.

2. The Council shall, upon such application being made in writing by the person injured or aggrieved briefly setting forth the grievance, order some Engineer or other competent person to examine the said abandoned well, and after such examination to report to the said Council in writing whether in his opinion the person complaining is injured as alleged, and whether the said abandoned well should be filled up, or the water flowing therein shut off in some other and what manner. 35 V. c. 39, s. 1.

If engineer reports a well should be filled up, owners thereof to be notified.

2. In case the said Engineer or other competent person reports to the Council that in his opinion the said abandoned well so complained of should be filled up, or that the water flowing therein should be shut off in some other way, the Clerk of the Council shall mail to the owner or owners of such abandoned well, or to some one of such owners, or to his or their agent in charge of the premises where such abandoned well is situate, a copy of such report, with a notice in writing, signed by said Clerk, stating that unless said abandoned well is filled up or the water flowing therein is effectually shut off in accordance with the opinion contained in the said report, that the person



complaining will proceed to do the work as provided in the next section. 35 V. c. 39, s. 2.

3. If the said abandoned well is not filled up, or the water flowing therein otherwise shut off in accordance with the opinion contained in said report, within twenty days from the time of the mailing of the said notice, then it shall be lawful for the person complaining to proceed to the filling up of the said abandoned well, or the shutting off of the water flowing therein, in accordance with the terms of the said report; and no action of trespass or other action for damages shall lie or be maintainable against the person, his servants or agents, for so doing. 35 V. c. 39, s. 3.

Cases wherein complainant may fill up.

## CHAPTER 198.

### An Act respecting Line Fences.

Short Title, s. 1.

Duty of adjoining owners as to Line Fences, s. 2.

Proceedings in case of dispute:—

Notice to owner, s. 3 (1).

And to fence-viewers, s. 3 (2).

Occupant to notify owner, s. 4.

Duties of fence-viewers, s. 5.

Award:—

What to contain, s. 6.

To be filed with Clerk, s. 7.

How enforced, s. 8.

Award:—

To be a lien, s. 9.

Fees payable on, s. 10.

Appeals to County Judge:—

Procedure on, s. 11 (1), (2).

Notice of hearing, s. 11 (3).

Powers of Judge, s. 11 (4) (5).

Agreements as to Line Fences, s. 12.

Removal of Line Fences, s. 13.

Trees falling upon Line Fences, s.

14.

Forms, use of, s. 15.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Line Fences Act.*"

Short title.

2. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary; and owners of unoccupied lands which adjoin occupied lands, shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their

Duties of owners of adjoining lands as to fences.

land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. 37 V. c. 25, s. 2.

Disputes between owners, how to be settled.

**3.** In case of dispute between owners respecting such proportion, the following proceedings shall be adopted :

Notice to owner or occupant of adjoining land.

**1.** Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence-viewers of the locality to arbitrate in the premises.

And to fence-viewers.

**2.** Such owners so notifying shall also notify (Form 2) the Fence-viewers, not less than one week before their services are required.

What to contain.

**3.** The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat ; or in case of such lands being untenanted, by leaving such notice with any agent of such owner.

When Judge to appoint fence-viewers.

**4.** The owners notified may, within the week, object to any or all of the Fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 37 V. c. 25, s. 3.

Duty and liability of occupants as to notifying owners.

**4.** An occupant, not the owner of land notified in the manner above mentioned, shall immediately notify the owner ; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. 37 V. c. 25, s. 9.

Duties and powers of fence-viewers.

**5.** The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation as in Courts of Law. 37 V. c. 25, s. 4.

Award of fence-viewers.

**6.** The Fence-viewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute ; which award shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs.

Contents.

Character of fence.

**2.** In making such award, the Fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary

circumstances of the persons between whom they arbitrate, and generally the suitableness of the fence ordered to the wants of each party.

3. Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the Fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

Location of fence.

4. If necessary, the Fence-viewers may employ a Provincial Land Surveyor, and have the locality described by metes and bounds. 37 V. c. 25, s. 5.

Employment of surveyor.

7. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. 37 V. c. 25, s. 6.

Deposit of award.

Award may be evidence.

Notification of award.

8. The award may be enforced as follows:—The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of such notice, the person so desiring to enforce it may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality: but the Judge of such Division Court may, on application of either party, extend the time for making such fence to such time as he may think just. 37 V. c. 25, s. 7.

Award, how enforced.

9. The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the Registry Office of the County, or other Registration Division in which the lands are.

Award to be a charge on lands, if registered.

2. Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of "*The Registry Act.*" 37 V. c. 25, s. 8.

How registered.

Rev. Stat. c. 111.

10. The Fence-viewers shall be entitled to receive two dollars each for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. 37 V. c. 25, s. 10.

Fees to Fence-viewers, Surveyors and witnesses.

Appeals.

**11.** Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate, and the proceedings on such appeal shall be as follows :—

Notice of appeal.

1. The appellant shall serve upon the Fence-viewers, and all parties interested, a notice in writing of his intention to appeal within one week from the time he has been notified of the award ; which notice may be served as other notices mentioned in this Act.

To Clerk.

2. The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal.

Notice of hearing.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

Powers of the Judge.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, may inspect the premises ; and may order payment of costs by either party, and fix the amount of such costs.

Decision of Judge to be final.

5. His decision shall be final ; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

6. The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. 37 V. c. 25, s. 11 ; 40 V. c. 7, *Sched. A.* (202) ; 40 V. c. 8, s. 58.

Registration of agreements.

**12.** Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of Fence-viewers. 37 V. c. 25, s. 12.

Owner of division fence which forms part of another person's land not to remove same except upon notice, &c.

**13.** The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence,

(a) Without giving at least six months previous notice of



his intention to the owner or occupier of such adjacent enclosure;

(b) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum, to be determined as provided in the sixth section of this Act;

(c) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the Fence-viewers may award to be paid therefor under the sixth section of this Act. 40 V. c. 29, s. 1.

2. The provisions of this Act relating to the mode of determining disputes between the owner of occupied adjoining lands; the manner of enforcing awards and appeals therefrom; and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. 40 V. c. 29, s. 2.

14. If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree.

2. On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act.

3. For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

4. All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three Fence-viewers of the Municipality, two of whom shall agree. 29-30 V. c. 51, s. 355 (28).

15. The forms in the Schedule hereto are to guide the parties, being varied according to circumstances. 37 V. c. 25, s. 13.

## SCHEDULE OF FORMS.

## FORM 1.

(Section 3.)

## NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. \_\_\_\_\_, Mr. \_\_\_\_\_, and Mr. \_\_\_\_\_, three fence-viewers of this locality, will attend on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the hour of \_\_\_\_\_, to view and arbitrate upon the line fence in dispute between our properties, being Lots (or parts of Lots) *One* and *Two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,  
Owner of Lot 1.

To C. D.,  
Owner of Lot 2.

## FORM 2.

(Section 3.)

## NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_ o'clock A.M., to view and arbitrate on the line fence between my property and that of Mr. \_\_\_\_\_, being Lots (or parts of Lots) Nos. *One* and *Two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,  
Owner of Lot 1.

## FORM 3.

(Section 6.)

## AWARD.

We, the fence-viewers of (*name of the locality*), having been nominated to view and arbitrate upon the line fence between \_\_\_\_\_ by \_\_\_\_\_

(name and description of owner who notified) and (name and description of owner notified), which fence is to be made and maintained between (describe properties), and having examined the premises and duly acted according to "The Line Fences Act," do award as follows: That part of the said line which commences at \_\_\_\_\_ and ends at \_\_\_\_\_ (describe the points) shall be fenced, and the fence maintained by the said \_\_\_\_\_, and that part thereof which commences at \_\_\_\_\_ and ends at \_\_\_\_\_ (describe the points) shall be fenced, and the fence maintained by the said \_\_\_\_\_. The fence shall be of the following description (state the kind of fence, height, material, &c.), and shall cost at least \_\_\_\_\_ per rod. The work shall be commenced within \_\_\_\_\_ days, and completed within \_\_\_\_\_ days from this date, and the costs shall be paid by (state by whom paid; if by both, in what proportion).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_.

(Signatures of fence-viewers.)

FORM 4.

(Section 12.)

AGREEMENT.

We \_\_\_\_\_ and \_\_\_\_\_, owners respectively of Lots (or parts of Lots) One and Two in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_, do agree that the line fence which divides our said properties shall be made and maintained by us as follows: follow the same form as award.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_.

(Signatures of parties.)

## CHAPTER 199.

## An Act respecting Ditching Water-courses.

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Short title, s. 1.	To be filed with Clerk, s. 8.
Application of Act, s. 2.	To be a lien on land, s. 9.
Duty of adjoining owners as to ditches, s. 3.	How enforced, s. 10.
Proceedings in case of dispute, s. 4.	Fees payable on, s. 11.
Notice to owner, s. 4 (1).	Appeals from, s. 12.
Notice to Fence viewers, s. 4 (2).	Act applies to Municipal Corporations, s. 13.
Occupant to notify owner, s. 5.	Subsequent parties, s. 14.
Duty of Fence-viewers, s. 6.	Agreement may be registered, s. 15.
Award :—	Forms, s. 16.
What to contain, s. 7.	

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Ditches and Water Courses Act*."

Certain Acts not affected by this Act.

2. This Act shall not affect the Acts relating to Municipal Institutions or the Acts respecting Drainage, as this Act is intended to apply to individual, and not to public or local interests, or liabilities. 38 V. c. 26, s. 2.

Owners to construct ditches in certain proportions.

3. In case of owners occupying adjoining lands which would be benefited by making a ditch or drain, or by deepening or widening a ditch or drain already made in a natural water-course, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water from swamps or low miry land, in order to enable the owners or occupiers thereof to cultivate the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain, according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened, by the said owners respectively, and their successors in such ownership, in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the Fence-viewers hereinafter named otherwise direct, which they are hereby empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening; and in case the Fence-viewers find no reason for such



application, all costs caused thereby shall be borne by the applicant. 38 V. c. 26, s. 3.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted :— Disputes to be referred to fence-viewers.

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence-viewers of the locality to arbitrate in the premises. Notice to owner or occupier of adjoining land.

2. Such owner so notifying shall also notify (Form 2) the Fence-viewers not less than one week before their services are required. And to fence-viewers.

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of a non-resident, by leaving such notice with any agent of such owner. Contents of notice.

4. The owner notified may, within the week, object to any or all of the Fence-viewers notified ; and in case of disagreement the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 38 V. c. 26, s. 4. When Judge to appoint fence-viewers.

5. An occupant not the owner of land notified in the manner above mentioned, shall immediately notify the owner ; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. 38 V. c. 26, s. 12. Occupants to notify owners.

6. The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation as in Courts of Law. 38 V. c. 26, s. 5. Duties of fence-viewers.

7. The Fence-viewers shall make an award (Form 3) in writing, signed by any two of them, respecting the matters so in dispute, which award shall specify the locality, quality, and description and cost of the ditch or drain it orders to be made, and the time within which the work shall be done ; and shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs Awards. Contents of.

2. In making such award the Fence-viewers shall regard the nature of the ditches or drains in use in the locality, and generally the suitableness of the ditch or drain ordered to the wants of the parties ; and the Fence-viewers may, What to be considered.

if they think necessary, employ a Provincial Land Surveyor for the purpose of taking levels, or of making a plan for the parties to follow in making the ditch or drain, or for other purposes.

Estimates exceeded.

3. If the expense of the ditch or drain exceeds the expense as estimated by the Fence-viewers, the same Fence-viewers may be again notified in the same manner herein provided, and shall attend, and, if they see fit, make a supplementary award respecting such expense which award shall have the same effect, and may be dealt with in all respects as if it were part of the first award. 38 V. c. 26, s. 6.

Supplementary award.

Fence-viewers may order opening of ditch across another person's land.

4. If it appears to the Fence-viewers that the owner or occupier of any tract of land is not sufficiently interested in the opening up the ditch or water-course to make him liable to perform any part thereof, and at the same time that it is necessary for the other party that such ditch should be continued across such tract, they may award the same to be done at the expense of such other party; and after such award, the last mentioned party may open the ditch or water-course across the tract, at his own expense, without being a trespasser. 40 V. c. 8, s. 59.

Deposit of award to be evidence.

8. The award and any plan made as above provided for, shall be deposited in the office of the Clerk of the Municipality in which the lands are situate, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given to all parties interested. 38 V. c. 26, s. 7.

Notification of award.

Award to be a lien on the land.

9. The award shall constitute a lien and charge upon the lands respecting which it is made when it is registered in the Registry Office of the County or other Registration Division in which the lands are.

Registration of award.

2. Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any instrument which is within the meaning of "*The Registry Act.*" 38 V. c. 26, s. 9.

Rev. Stat. c. 111.

Enforcing award.

10. The award may be enforced as follows :—The person desiring to enforce it, provided the work is not done within the time specified by the award, may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality; but the Judge of such Division Court may, on application of either party, extend the time for making such ditch to such time as he may think just. 38 V. c. 26, s. 8.

**11.** The Fence-viewers shall be entitled to receive two dollars for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. 38 V. c. 26, s. 13. Fence-viewers' and witnesses' fees.

**12.** Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; and the proceedings on such appeal shall be as follows:— Appeal.

1. The appellant shall serve upon the Fence-viewers and all parties interested, a notice in writing of his intention to appeal, within one week from the time he has been notified of the award, which notice shall be served as other notices mentioned in this Act. Notice of.

2. The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land or a portion thereof lies, and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal. To Clerk  
And Judge.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act. Notice of hearing.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, inspect the premises, and he may order payment of costs by either party, and fix the amount of such costs. Powers of Judge.

5. His decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. 38 V. c. 26, s. 14. No appeal.

**13.** In case any Municipal Corporation would be benefited by the construction of such ditch or drain, such Corporation shall be in the same position as an individual owner under this Act. 38 V. c. 26, s. 10. 40 V. c. 8, s. 60. Liabilities of Municipal Corporations.

**14.** In case any person during or after the construction of the ditches or drains herein provided for, desires to avail himself of such ditches or drains for the purpose of draining other lands than those contemplated by the original proceedings, he may avail himself of the provisions of this Act, as if he were or Persons desir- ing to use ditches or drains after construction.

had been a party to such original proceedings; but no person shall make use of the ditches or drains constructed under the provisions of this Act unless under agreement or award pursuant to its provisions as to use of the land of others, as to enlargement of the original ditch or drain, so as to contain additional water therein, and as to the time for the completion of such enlargement. 38 V. c. 26, s. 11.

Agreements as to ditches may be registered and enforced.

**15.** Any agreement in writing (Form 4), between owners respecting such ditch, may be filed or registered, and enforced as if it was an award of the Fence-viewers. 38 V. c. 26, s. 15.

Forms.

**16.** The forms in the Schedule hereto are to guide the parties, being varied according to circumstances. 38 V. c. 26, s. 16.

## SCHEDULE OF FORMS.

### FORM 1.

(Section 4.)

#### NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. \_\_\_\_\_, Mr. \_\_\_\_\_ and Mr. \_\_\_\_\_ three fence-viewers of this locality, will attend on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, at the hour of \_\_\_\_\_, to view our properties, being Lots (or parts of Lots) *One* and *Two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_, and arbitrate respecting the ditch in dispute upon our said Lots.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

A. B.,  
Owner of Lot 1.

To C. D.

Owner of Lot 2. (or as the case may be).

### FORM 2.

(Section 4.)

#### NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock on the \_\_\_\_\_



Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_.

*A. B.*  
Owner of Lot 1.

(Section 7.)

Dated this                  day of                  , A. D. 18 .

Witness : \_\_\_\_\_ (Signatures of Fence-Viewers.

(Section 15.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_,

Witness : (Signatures of parties.)

## 10. *Protection of Game, &c.*

CHAP. 200.—For the protection of Game and Fur-bearing Animals, p. 2006.

“ 201.—For the protection of Insectivorous Birds, etc., p. 2009.

“ 202.—To encourage the destroying of Wolves, p. 2011.

### CHAPTER 200.

#### An Act for the Protection of Game and Fur-bearing Animals.

Protection of Game:

Periods within which certain animals and birds protected, s. 1.

But may be sold or kept for private use at other periods, s. 2.

Where possession unlawful, s. 2 (2)

Protection of eggs, s. 3.

Prohibitions.

Trapping, etc., s. 4.

Batteries and night lights, s. 5.

Use of poison, s. 6.

Protection of fur-bearing animals, s. 7.

Penalties:

How recoverable, s. 8.

Amount of in each case, s. 8.

Application of, s. 9.

Confiscation to follow, s. 10.

Game imported for breeding not to be destroyed, s. 11.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Close period.

1. None of the animals or birds hereinafter mentioned shall be hunted, taken or killed within the periods hereinafter limited:

Deer, &c.

(1) Deer, Elk, Moose, Reindeer or Cariboo, between the first day of December and the first day of September in the following year;

Turkey, &c.

(2) Wild Turkeys, Grouse, Pheasants or Partridges, between the first day of January and the first day of September;

Quail.

(3) Quail, between the first day of January and the first day of October;

(4) Woodcock, between the first day of January and the first Woodcock.  
day of July;

(5) Snipe, between the first day of May and the fifteenth day Snipe.  
of August;

(6) Waterfowl, which are known as Mallard, Grey Duck, Duck.  
Black Duck, Wood or Summer Duck, and all the kinds of Duck  
known as Teal, between the first day of January and the fif-  
teenth day of August. 35 V. c. 38, s. 2.

(7) Other Ducks, Wild Swans or Geese, between the first Swan and  
day of May and the fifteenth day of August. 34 V. c. 35, s. 2. <sup>geese.</sup>

(8) Hares or Rabbits, between the first day of March and the Hares,  
first day of September. 35 V. c. 38, s. 2.

2. The said animals or birds may be exposed for sale for one <sup>Exposure for</sup>  
month, and no longer, after the beginning of the periods above <sup>sale.</sup>  
respectively limited for their protection, and may be had in  
possession for the private use of the owner and his family at  
any time; but in all cases the proof of the time of killing or  
taking shall be upon the person so in possession.

2. Except as aforesaid, no person shall have in his possession <sup>Possession how</sup>  
any of the said animals or birds, or any part or portion of any <sup>far lawful.</sup>  
of such animals or birds, during the periods in which they are  
so protected. 35 V. c. 38, s. 4.

3. No eggs of any of the birds above-mentioned shall be <sup>Protection of</sup>  
taken, destroyed, or had in possession by any person at any <sup>eggs.</sup>  
time. 35 V. c. 38, s. 5.

4. None of the animals or birds mentioned in this Act, <sup>Trapping for-</sup>  
except the animals mentioned in the seventh section <sup>bidden.</sup>  
shall be trapped or taken by means of traps, nets, snares,  
gins, baited lines or other similar contrivances; nor shall such  
traps, nets, snares, gins, baited lines or contrivances be set  
for them, or any of them, at any time; and such traps, nets,  
snares, gins, baited lines and contrivances may be destroyed  
by any person without such person thereby incurring any lia-  
bility therefor. 35 V. c. 38, s. 6.

5. None of the contrivances for taking or killing the wild <sup>Batteries, etc.,</sup>  
fowl known as Swans, Geese or Ducks, which are described as <sup>for wild fowl</sup>  
batteries, sunken punts or night lights, shall be used at any <sup>forbidden.</sup>  
time. 35 V. c. 38, s. 7.

6. It shall not be lawful for any person to kill or take any <sup>Poison not to</sup>  
animal by the use of poison or poisonous substances, nor to ex- <sup>be used to kill</sup>  
pose poison, poisoned bait, or other poisoned substances in any <sup>animals.</sup>  
place or locality where dogs or cattle may have access to the  
same. 34 V. c. 35, s. 6.

Fur-bearing  
animals pro-  
tected.

7. And whereas fur-bearing animals should be protected during the seasons when their skins are of little value, it is enacted that no Beaver, Muskrat, Mink, Sable, Martin, Raccoon, Otter or Fisher, shall be hunted, taken, killed, or had in the possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period; nor shall any Muskrat house be destroyed at any time; and any such traps, snares, gins or other contrivances so set, may be destroyed by any person, without such person thereby incurring any liability therefor, but this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. 34 V. c. 35, s. 3; 35 V. c. 38, s. 8.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a Justice of the Peace as follows, with costs:—

1. In the case of Deer, Elk, Moose, Reindeer or Cariboo, by a fine not exceeding fifty dollars, nor less than ten dollars, for each animal;

2. In the case of birds or eggs, by a fine not exceeding twenty-five dollars, nor less than five dollars, for each bird or egg;

3. In the case of the fur-bearing animals mentioned in the seventh section of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal;

4. In the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars. 35 V. c. 38, s. 9.

Disposition of  
penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases. 35 V. c. 38, s. 10.

Confiscation of  
game illegally  
taken or killed.

10. In all cases, confiscation of the game shall follow conviction; and the game so confiscated shall be given to some charitable institution or purpose, at the discretion of the convicting Justice. 31 V. c. 12, s. 13.

Game import-  
ed for breeding  
not to be killed

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game with a desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property, wherever the same may have been bred. 31 V. c. 12, s. 16.



CHAPTER 201.

An Act for the Protection of Insectivorous and other Birds beneficial to Agriculture.

To what birds Act not applicable, s. 1.	Eggs or birds for scientific purposes, s. 6.
What birds may be killed, s. 2.	Penalties:
Capturing, etc., all other birds forbidden, s. 3.	How recoverable, s. 7 (1).
And traps for them may be destroyed, s. 3.	Application of, s. 7 (2).
Nests, young birds and eggs protected, s. 4.	Imprisonment in default of payment, s. 7 (3).
Birds unlawfully taken to be liberated, s. 5.	Convictions not to be set aside for informality, s. 8.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Nothing in this Act contained shall be held to affect *The Act for the Protection of Game and Fur-bearing Animals*, or to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry. 36 V. c. 45, ss. 5 & 9.

2. It shall not be lawful to shoot, destroy, wound or injure, or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens, and the birds especially mentioned in *The Act for the Protection of Game and Fur-bearing Animals*. 36 V. c. 45, s. 2.

3. It shall not be lawful to take, capture, buy, sell, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, trap, springe, snare, cage or other machine or engine by which any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens might be killed and captured; and any net, trap, springe, snare, cage or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, crows, jays and ravens, may be destroyed by any person, without such person incurring any liability therefor. 36 V. c. 45, s. 3.

Nest, young or egg not to be taken.

4. It shall not be lawful to take, injure, destroy or have in possession any nest, young or egg of any bird whatsoever, except of eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens. 36 V. c. 45, s. 4.

Power to seize birds unlawfully possessed.

5. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive to be liberated; and it shall be the duty of all Market Clerks and Policemen or Constables, on the spot to seize and confiscate, and if alive, to liberate such birds. 36 V. c. 45, s. 5.

Eggs or birds required for scientific purposes.

6. The Commissioner of Agriculture, and all persons authorized by him to that effect, may grant written permission to any person or persons who may be desirous of obtaining birds or eggs for *bona fide* scientific purposes, to procure them for that purpose, and such person or persons shall not be liable to any penalty under this Act. 36 V. c. 45, s. 6.

Penalties.

7. The violation of any provision of this Act shall subject the offender to the payment of not less than one dollar, and not more than twenty dollars with costs, on summary conviction, on information or complaint before one or more Justices of the Peace.

Application of fines.

2. The whole of such fine shall be paid to the prosecutor, unless the convicting Justice or Justices have reason to believe that the prosecutor is in collusion with and for the purpose of benefiting the accused, in which case the said Justice or Justices may order the disposal of the fine as in ordinary cases.

Imprisonment.

3. In default of payment of such fine and costs, the offender shall be imprisoned in the nearest Common Gaol for a period of not less than two and not more than twenty days, at the discretion of such Justice or Justices of the Peace. 36 V. c. 45, s. 7.

Conviction not invalid for want of form.

8. No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. 36 V. c. 45, s. 8.

## CHAPTER 202.

## An Act to encourage the Destroying of Wolves.

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Bounty payable on production of wolf's head, s. 1.	Provided other expenses have been first paid, s. 4.
Magistrate to give a certificate, s. 2.	Certificate a legal tender in payment of County rates, s. 5.
On production of which County Treasurer to pay bounty, s. 3.	

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** If any person produces the head of a wolf with the ears on, before any Justice of the Peace acting for any County in Ontario, and makes oath or affirmation (as the case may be), or otherwise proves to the satisfaction of such Justice, that the wolf was killed within that County, or within one mile of an actual settlement in the County, he shall be entitled to receive from the Treasurer of the County the sum of six dollars as a bounty for the same. C. S. U. C. c. 60, s. 1.

When any person producing to a J. P. the head of a wolf with the ears on, entitled to a reward.

**2.** In case the Justice of the Peace before whom the head of the wolf is produced, is satisfied of the fact that the wolf was killed as in the preceding section mentioned, he shall first cut off the ears thereof, and then give the person a certificate that the fact of the wolf having been killed as in the last section mentioned has been proved to his satisfaction, and such certificate shall authorize the person holding the same to demand and receive from the Treasurer of the County the said bounty of six dollars. C. S. U. C. c. 60, s. 2.

J. P. to give his certificate.

**3.** The Treasurer of the County shall forthwith pay such bounty to the person presenting the certificate, provided the County funds in his hands enable him so to do; and if the said funds do not so enable him, then the said Treasurer shall pay the same out of the moneys of the County which next thereafter come into his hands. C. S. U. C. c. 60, s. 3.

Treasurer to pay the reward if in funds.

**4.** The Treasurer of a County shall not pay the bounty to which any such certificate entitles the person presenting the same, until he has paid the annual expenses of the County, arising from the building of a Court House and Gaol, and keeping the same in repair, the fees of the Clerk of the Peace, the

Other County expenses to be first paid.

salary of the Gaoler, and the maintenance of the prisoners.  
C. S. U. C. c. 60, s. 4.

If not paid  
certificate may  
be tendered in  
discharge of  
rates.

**5.** When the funds of any County do not enable the Treasurer thereof to pay the bounty, the certificate thereof shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any County rate or assessment to be collected from any person within the County in which the wolf was destroyed, and shall be accepted and taken by the Collector of any Township within the County as equivalent to so much of the current money of Canada, and may be by him paid and delivered over to the County Treasurer, by whom the same shall in like manner be taken and accepted as equivalent to so much of the current money aforesaid. C. S. U. C. c. 60, s. 5.



## TITLE XIII.

## EDUCATION.

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CHAP. 203.—Education Department, p. 2013.

“ 204.—Public Schools, p. 2027.

“ 205.—High Schools and Collegiate Institutes, p. 2116.

“ 206.—Separate Schools, p. 2137.

“ 207.—Conveyances to Trustees for School Purposes, p. 2146.

“ 208.—Upper Canada College, p. 2147.

“ 209.—University College, p. 2149.

“ 210.—University of Toronto, p. 2153.

“ 211.—Income and Property of University of Toronto, University College, and Upper Canada College, p. 2169.

“ 212.—School of Practical Science, p. 2175.

“ 213.—Industrial Schools, p. 2178.

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## CHAPTER 203.

## An Act respecting the Education Department.

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PART I.—EDUCATION DEPARTMENT AND MINISTER OF EDUCATION,  
secs. 1-3.

PART II.—POWERS AND DUTIES OF THE EDUCATION DEPARTMENT,  
sec. 4.

1. As to High Schools, s. 4 (1-9).

2. “ Public Schools, s. 4 (10-11).

3. “ Normal Schools, s. 4 (12-18):

4. “ Teachers, s. 4 (19-21).

5. “ Text, Prize and Library Books, s. 4 (22-26).

6. “ Inspectors, s. 4 (27, 28).

7. “ Examiners, s. 4 (29, 30).

8. “ Legislative Grants, s. 4 (31).

PART III.—DUTIES OF THE MINISTER, secs. 5-6.

1. As to High Schools, s. 5 (1-5).

2. “ Public Schools, s. 5 (6-8).

3. “ Normal Schools, s. 5 (9-11).

4. “ Teachers and Teachers' Institutes, s. 5 (12).

5. “ Text, Prize and Library Books and other appliances, s. 5  
(13-22).

6. “ Inspectors, s. 5 (23).

7. “ Examinations. s. 5 (24).

8. As to Legislative Grants, s. 5 (25).
9. " Management of Department, s. 6.
10. " Appeals from Division Court decisions, s. 7-17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

### EDUCATION DEPARTMENT AND MINISTER.

Department  
established.

**1.** There shall be a Department of Education which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." 39 V. c. 16, s. 1.

Office of  
Minister of  
Education.

**2.** The office of Minister of Education may be held by a Member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other Departmental office, by name or otherwise. 39 V. c. 16, s. 2.

Acceptance of  
the office of  
Minister, no  
vacation of  
seat in the  
Legislature.

**3.** In case a member of the Executive Council holding any one of the five Departmental offices established by the sixty-third section of the British North America Act of 1867, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the Administration of which such person was a member has resigned, and in the interval a new Administration has occupied the said offices; or in case such member of the Executive Council is appointed to hold the office of Minister of Education in addition to or in connection with one of the said five Departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases, any increase or change of emolument arising from the office of Minister of Education shall not cause any vacancy, or render a re-election necessary. 39 V. c. 16, s. 3.

## PART II.

## POWERS AND DUTIES OF THE EDUCATION DEPARTMENT.

## 4. The Education Department is hereby empowered :

(1.) *As to High Schools.*

1. To prepare and prescribe, from time to time, subject to the approval of the Lieutenant-Governor, text-books, programme of studies and general rules and regulations for the organization and government of High Schools and Collegiate Institutes ; 37 V. c. 27, s. 27 (2).

To prescribe text-books, etc.

2. To make, from time to time, rules and regulations, subject to the approval of the Lieutenant-Governor in Council, for the distribution, within the restrictions imposed by "*The High Schools Act*," of the High School Fund, among the several High Schools and Collegiate Institutes entitled to receive it ; 37 V. c. 27, s. 27 (3).

To make rules and regulations as to High School Fund.  
Rev. Stat. c. 205.

3. To appoint Inspectors of High Schools, and prescribe their duties ; 37 V. c. 27, s. 27 (4) ; 39 V. c. 7, *Sched. B.*

High School Inspectors.

4. To require persons who may be hereafter employed as head masters of High Schools and Collegiate Institutes to furnish, from time to time, in addition to the qualifications already required by law for head masterships of High Schools and Collegiate Institutes, satisfactory evidence of their knowledge of the science and art of teaching, and of the management and discipline of schools ; 37 V. c. 27, s. 28 (4).

Additional qualifications of High School Masters.

(a) This clause shall not apply to any persons who have been employed as High School or Collegiate Institute masters before the 24th day of March, 1874 ; 37 V. c. 27, s. 28 (4 a).

Restriction.

5. To prescribe from time to time by regulations subject to the approval of the Lieutenant-Governor, the subjects, times, and extent of the examinations of pupils for admission into the High Schools and Collegiate Institutes or otherwise ; and also to determine the standard to be attained by each pupil at such examinations ; and to declare the equivalents for the same in the examination for Public School teachers, and *vice versa* ; Also to determine the equivalents to High Schools and Collegiate Institutes, where pupils successfully pass examination before learned Societies in Canada, or the British Dominions, such as any University, the Law Society, the College of Physicians and Surgeons, and the like ; Also to arrange with such Societies for similar subjects in certain examinations, and for reciprocally accepting such examinations ; 37 V. c. 27, s. 27 (5) ; 40 V. c. 16, s. 1 (1).

Admission of pupils to High Schools.

Further powers to the Department to grant equivalents to passing High School Examinations.

Papers for  
uniform ex-  
amination.

6. To appoint from time to time a Central Committee, who, under the direction of the Minister and subject to the regulations of the Department, shall prepare questions for the examination of Public School teachers, and of pupils for admission to High Schools and Collegiate Institutes; 37 V. c. 27, s. 27 (6).

Special  
certificates to  
monitors or  
assistants.

7. To frame general regulations and instructions under which a High School Inspector may give a special certificate, to be valid for one year, to a senior pupil or pupils of a High School or Collegiate Institute, or other person or persons to act as monitor or assistant, or monitors or assistants, in such High School or Collegiate Institute; 37 V. c. 27, s. 27 (7).

Exemptions.

8. To exempt, at the discretion of the Department, any High School or Collegiate Institute (the trustees of which have not sufficient funds to provide the necessary qualified teachers) from the obligation of having the German and French languages taught in such School or Institute; 37 V. c. 27, s. 28 (5).

Meteorological  
stations.

9. To designate, from time to time, subject to the approval of the Lieutenant-Governor, the number and locality of such meteorological stations as the Department may think desirable to establish in connection with the High Schools of the Province; and to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary; 37 V. c. 27, s. 27 (10).

## (2.) *Public Schools.*

To make regu-  
lations for  
Public Schools  
and teachers.

10. To make regulations, from time to time, for the organization, government, and discipline of Public Schools, and for the classification of schools and teachers; 37 V. c. 27, s. 27 (18).

Regulations as  
to elementary  
teaching.

11. To provide, by the training of teachers, the programme of studies, and special regulations, for elementary teaching in the Public Schools, and amongst other subjects of the rudiments of agricultural chemistry, mechanics, and agriculture; but these subjects shall be optional; 37 V. c. 27, s. 27 (19); 40 V. c. 16, s. 1 (4).

## (3.) *Normal and Model Schools.*

Efficiency of  
Normal and  
Model Schools.

12. To adopt all needful measures for the efficiency of the Normal Schools and Model Schools connected therewith, and of other training institutions, with a view to the instruction and training of teachers of Public Schools in the science of education and the art of teaching; also to arrange with trustees or Boards of Public Schools, for constituting one or more of the Public Schools to be the County Model School for the preliminary training of Public School teachers, subject to general regulations of the Department; 37 V. c. 27, s. 27 (11); 40 V. c. 16, s. 1 (2).

Arrangement  
with trustees  
for County  
Model School.



13. To make, from time to time, rules and regulations necessary for the management and government of the Normal and Model Schools, and of other training institutions; 37 V. c. 27, s. 27 (12). Regulations.

14. To prescribe the terms and conditions on which students and pupils will be respectively received and instructed in the Normal and Model Schools, or in other training institutions; 37 V. c. 27, s. 27 (13). Terms and conditions of admission.

15. To determine the number and compensation of teachers, and of all others, who may be employed in said Schools or in other training institutions; 37 V. c. 27, s. 27 (14). Number and pay of teachers.

16. To direct books and stationery to be procured for the Normal and Model Schools, and other training institutions; 37 V. c. 27, s. 27 (15). Procure books and stationery.

17. To do all lawful things which may be expedient to promote the objects and interests of these Schools and institutions; 37 V. c. 27, s. 27 (16). Promote interests of Normal, &c., Schools.

18. To require at any Normal School or training institution in the Province, examinations to be held from time to time of the students thereof, and to prescribe regulations for such examinations; 37 V. c. 27, s. 27 (17); 40 V. c. 16, s. 1 (3). Examination of Normal School students.

#### (4.) *Teachers.*

19. To prepare and prescribe, from time to time, a programme and regulations for the uniform examination and classification of Public School teachers, and of any person who has been trained at any Normal School or other training institution for teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions; and to require such further conditions to be complied with by candidates for Public School teachers' certificates, as will secure duly qualified teachers in the several Schools; 37 V. c. 27, s. 27 (22); 40 V. c. 16, s. 1 (5). Examination of Public School teachers.  
  
Condition for teachers' certificates.

20. To award, upon the examination and report of the Central Committee, first-class and second-class certificates respectively of qualification to Public School teachers, under such regulations and programme as may be determined by the Department, and upon the report of such Committee, to award also second-class certificates to candidates for first-class certificates who at the examination come up to the standard for second-class certificates, but who fail to come up to the required standard for first-class certificates; 37 V. c. 27, s. 27 (23); 40 V. c. 16, s. 1 (6). Give certificates.

21. To prescribe, with the approval of the Lieutenant-Governor, regulations subject to and within the restrictions imposed To make regulations for granting

pensions to  
superannuated  
teachers.  
Rev. Stat. cc.  
204, 205.

by "*The Public Schools Act*" and "*The High Schools Act*," for granting pensions to superannuated teachers of Public and High Schools and Collegiate Institutes; 37 V. c. 27, s. 27 (28).

(5.) *Text, Prize and Library Books.*

To recommend  
text and library  
books.

22. To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries and prizes; 37 V. c. 27, s. 27 (24).

School  
libraries.

23. To make regulations in regard to school libraries; 37 V. c. 27, s. 27 (25).

May permit  
the use of  
foreign books.

24. To give special permission, at the discretion of the Department, for the use in any Model or Public School of any foreign books in the English branches of education; 37 V. c. 27, s. 28 (6).

Examine books  
sent by book-  
sellers or  
others.

25. To examine or cause to be examined from time to time, any books, the names of which have not before appeared in the catalogues of the Education Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers or other parties, who may have the same for sale; 37 V. c. 27, s. 27 (26).

Sanction li-  
brary and  
prize books

26. To determine whether such books ought or ought not to receive the sanction of the Department for libraries or prizes in the Public and High Schools, and Collegiate Institutes.

Decision.

(a) The decision of the Department in respect thereof shall, without delay, be communicated to the said booksellers or other parties concerned.

Books re-  
turned.

(b) The books so forwarded shall, on application, be returned to the persons forwarding the same.

Lists to be  
published in  
the *Journal of*  
*Education*.

(c) The names and prices of the books when sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Department for examination. 37 V. c. 27, s. 27 (27).

(6.) *Inspectors.*

Fix qualifica-  
tions of inspec-  
tors.

27. To prescribe from time to time the qualifications of County, City, or Town Inspectors; 37 V. c. 27, s. 27 (20).

Grant In-  
spectors'  
certificates.

28. To determine the time and manner of examination of candidates for certificates of qualification as Inspectors, and to grant to them on such examination certificates of qualification; 37 V. c. 27, s. 27 (21).

(7.) *Examiners.*

29. To prescribe from time to time the qualifications of members of County Boards of Examiners of Public School teachers; 37 V. c. 27, s. 27 (20); 40 V. c. 16, s. 3 (7.)

Fix qualifica-  
tions of  
Examiners.

30. To determine the time and manner of examination of candidates for certificates of qualification as Examiners, and to grant to them on such examination certificates of qualification; 37 V. c. 27, s. 27 (21).

Grant  
Examiners'  
certificates.

(8.) *Legislative Grants.*

31. To apply out of any grants annually voted by the Legislative Assembly such sums as the Lieutenant-Governor may authorize the expenditure annually of, for the purposes following:—

Apply certain  
grants autho-  
rized.

(a) For the salaries of officers, and other contingent expenses of the Normal Schools, and other training institutions;

(b) For facilitating the attendance of teachers in training at the Normal Schools and other training institutions;

(c) For the support of the Normal and Model Schools, and other training institutions;

(d) For the payment of Inspectors of High Schools and Collegiate Institutes;

(e) For the support of superannuated Public and High School teachers;

(f) For payment of the travelling expenses of teachers attending the Normal Schools, being candidates for second class certificates, and towards their maintenance. 37 V. c. 27, s. 33, *part*; 40 V. c. 16, s. 1 (14).

## PART III.

## DUTIES OF THE MINISTER OF EDUCATION.

5. It shall be the duty of the Minister of Education:—

Duties.

(1.) *As to High Schools.*

1. To apportion the High School Fund among the several High Schools and Collegiate Institutes, as provided by the seventy-fourth and following sections of the "*The High Schools Act*;" 37 V. c. 27, s. 31 (1); 39 V. c. 7, *Sched. B* ((15).

Apportion  
grant.  
Rev. Stat. c.  
205, ss. 74, *et*  
*seq.*

2. To notify each County Council, through the Clerk of the Council, of the apportionment of High School Fund to such

Notify Count  
Clerk.

County, and to certify the same for payment to the Provincial Treasurer ; 37 V. c. 27, s. 31 (2).

To see to proper application.  
Rev. Stat. c. 205.

3. To see that the High School Fund apportioned by him is in all cases applied to the purposes prescribed in "*The High Schools Act*;" 37 V. c. 27, s. 31 (3).

General supervision.  
Rev. Stat. c. 205.

4. To see that each High School and Collegiate Institute is conducted according to law and to the general rules and regulations authorized by this Act and by "*The High Schools Act*;" 37 V. c. 27, s. 31 (4).

Report to Lieutenant-Governor on establishment of High Schools, etc.

5. To make such report or recommendation to the Lieutenant-Governor, as he may judge necessary or expedient in regard to the decision of a County Council as to the establishment or discontinuance of any High School in a County ; 37 V. c. 27, s. 31 (7).

## (2.) *Public Schools.*

Apportioning Legislative grant.

6. To apportion annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Public Schools (and not otherwise appropriated by law) in the several Counties, Townships, Cities, Towns, and incorporated Villages, according to the ratio of population in each, as compared with the whole population of Ontario ; 37 V. c. 28, s. 129 (1).

(a) When the census or returns upon which such an apportionment is to be made, are so far defective in respect of any County, Township, City, Town or Village, as to render it impracticable for the Minister to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which, by the best evidence in his power, the same can be most fairly and equitably made. 37 V. c. 28, s. 129 (1 a).

Notice to the Provincial Treasurer and County Clerks.

7. To certify to the Provincial Treasurer the apportionments made by him, so far as they relate to the several Counties, Cities, Towns, and incorporated Villages; and to give immediate notice of the apportionment to the Clerk of each County, City, Town, and Village interested therein, stating the time when the amount of moneys so apportioned will be payable to the Treasurer of the County, City, Town or Village ; 37 V. c. 28, s. 129 (2).

Distribution by school Inspectors.

8. To direct the County Inspector, if he deems it expedient, as to the distribution of the Public School Fund of any Township among the several school sections or parts of sections, entitled to share in the same, according to the length of time in the year, during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections ; 37 V. c. 28, s. 129 (3).



(3.) *Normal Schools.*

9. To take the general superintendence of the Normal Schools; 37 V. c. 27, s. 31 (11).

To have the supervision of the Normal Schools.

10. To give on the examination and report of the Central Committee of Examiners to any person trained in any Normal School or other training institution for teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions, a certificate of qualification of first or second class which shall be valid in any part of the Province until revoked; 37 V. c. 27, s. 31 (12); 40 V. c. 16, s. 1 (8).

To give Normal School certificates.

(a) No such certificate shall be given to any person who has not been a student in one of the Ontario Normal Schools, or who, if trained or licensed elsewhere, does not evidence by his examination the extent of his ability and aptitude to teach to the satisfaction of the Minister. 37 V. c. 27, s. 31 (12 a); 40 V. c. 16, s. 1 (9).

11. To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Lieutenant-Governor may require; 37 V. c. 27, s. 31 (13).

Responsibility for moneys.

(4.) *Teachers and Teachers' Institutes.*

12. To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such Institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness, and to encourage Teachers' Associations; 37 V. c. 27, s. 31 (15c, 16); 37 V. c. 28, s. 129 (13); 40 V. c. 16, s. 1 (10).

Appoint conductors of teachers' institutes.

(5.) *Text, Library and Prize Books and other appliances.*

13. To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several Counties, Townships, Cities, Towns, and Villages; 37 V. c. 27, s. 31 (8); 37 V. c. 28, s. 129 (15).

Establishing school libraries.

14. To apportion the moneys provided by the Legislature for the establishment and support of High and Public School libraries and prizes, and in providing High and Public Schools with maps and apparatus; 37 V. c. 27, s. 31 (9); 37 V. c. 28, s. 129, (16).

Apportioning library grant.

(a) No aid shall be given towards the establishment or support of any school library, or in providing prizes, maps and apparatus, unless an equal amount is contributed and expended from local sources for the same object; 37 V. c. 27, s. 31 (9 a); 37 V. c. 28, s. 129 (16 a).

Condition.

## Text-Books.

15. To use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally; 37 V. c. 27, s. 31 (10); 37 V. c. 28, s. 129 (17).

## Issue catalogues.

16. To cause to be printed from time to time a catalogue, showing the names and prices of all the books which are or may be sanctioned by the Department for libraries and for prizes in the Collegiate Institutes, High and Public Schools; 37 V. c. 27, s. 31 (27); 37 V. c. 28, s. 129 (20).

## Additional catalogue.

17. To cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Department for said purposes; 37 V. c. 27, s. 31 (28); 37 V. c. 28, s. 129 (21).

Education Department to pay one-half of the cost of library and prize books purchased by municipal and school corporations.

18. To authorize the payment, out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library book sanctioned by the Department, for Public and High Schools and Collegiate Institutes which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Department;

## Conditions.

Such payment shall be made to the order of the Corporation purchasing any of the books specified in the catalogues or lists sanctioned by the Department, on the following conditions:—

(a) The Minister shall be duly certified of the facts;

(b) He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository;

(c) He shall be furnished with certified vouchers of the cost, edition, and binding of the books so purchased elsewhere;

(d) He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues, or in the authorized lists of such books published in the *Journal of Education*. 37 V. c. 27, s. 31 (29); 37 V. c. 28, s. 129 (22).

Payment of cost of maps, &c., not purchased from Education Department.

19. To authorize also the payment out of any moneys appropriated by the Legislature for that purpose of one-half of the cost of maps and apparatus which may be purchased by any School Corporation from any person, instead of from the Education Department, subject to like conditions as in the case of library and prize books, and to the regulations of the Department; 40 V. c. 16, s. 1 (12).

Meteorological instruments.

20. To procure the meteorological instruments, register books and forms mentioned in the eighty-third section of "The

*High Schools Act*," at the request and expense of the Municipality of any County or City in which a meteorological station is, or may be, established; 37 V. c. 27, s. 31 (32). Rev. Stat. c. 205, s.

21. To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages; 37 V. c. 27, s. 31 (14); 37 V. c. 28, s. 129 (14). To provide plans for school houses.

22. To collect and diffuse among the people of Ontario useful information on the subject of education generally; 37 V. c. 27, s. 31 (14); 37 V. c. 28, s. 129 (14). To disseminate useful information.

#### (6.) *Inspectors.*

23. To appoint one or more persons, as he from time to time deems necessary, to inspect any school or schools, and enquire into and report to him upon any school matter; such Inspector or other person or persons, shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon; 37 V. c. 27, s. 31 (15 b); 37 V. c. 28, s. 129 (12 b); 40 V. c. 16, s. 1 (11), 2 (1). Remuneration.  
Power to commissioners to administer oaths.

#### (7.) *Examinations.*

24. To transmit to the Public School Inspector of the County City, or Town, or such other person as the Minister may appoint, the examination papers as prepared by the Central Committee for the admission of pupils to High Schools and Collegiate Institutes, or otherwise, with such directions as he may judge necessary, and with any instructions, as to further *viva voce* examination which the Department may desire to give, and generally to see that all examinations prescribed by the Department are duly held. 37 V. c. 27, s. 31 (24); 40 V. c. 16, s. 1 (7). High School examination paper to be transmitted to Inspector.

#### (8.) *Legislative Grants.*

25. To apply out of any grants annually voted by the Legislative Assembly, such sums as the Lieutenant-Governor may authorize the expenditure of, for the purposes following:— Certain grants authorized

(a) For the purchase, from time to time, of books, publications, specimens, models, and objects, suitable for a Canadian library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications, and objects, relating to education and other departments of science and literature, and specimens, models and objects, illustrating the physi- Museum.

cal resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture and manufactures ;

*Journal of Education.*

(b) For supplying a copy of the *Journal of Education* to every School Corporation, and every School Inspector ;

Libraries.

(c) For the establishment and support of libraries in connection with the schools ;

Prizes, maps, and apparatus.

(d) For providing the schools with maps and apparatus and prizes upon the same terms, and in the same manner as books are provided for school libraries ;

Depository clerks.

(e) For the payment of a salesman and assistant clerks of the public library, prize, map and school apparatus depositories, in connection with the Education Department ;

Teachers' Institutes.

(f) For the encouragement of Teachers' Institutes and Associations ;

School architecture.

(g) For procuring plans and publications for the improvement of school architecture, and practical science in connection with schools ;

Poor schools.

(h) For special aid to Public Schools in new and poor Townships. 37 V. c. 27, s. 33, (6-13) ; 37 V. c. 28, s. 130 (1-8) ; 40 V. c. 16, s. 2 (2).

### (9.) *Management of the Department.*

#### 6. The Minister of Education shall have power :

To prepare forms.

1. To prepare suitable forms and give such instructions as he judges necessary and proper for making all reports and conducting all proceedings under "*The Public Schools Act*," and "*The High Schools Act* ;" 37 V. c. 27, s. 31 (5) ; 37 V. c. 28, s. 129 (8).

Rev. Stat. cc. 204, 205.

Acts, rules and regulations to be printed.

2. To cause the aforesaid forms, instructions, reports, copies of this Act and the said Acts, and of the general rules and regulations established and approved of as aforesaid, to be printed in a convenient form and transmitted to the parties required to execute the provisions of such Acts ; 37 V. c. 27, s. 31 (6) ; 37 V. c. 28, s. 129 (9, 10).

Disagreement between Roman Catholic school trustees and officials.

3. To equitably decide, subject to an appeal to the Lieutenant-Governor, whose award shall be final, upon any case of dispute or disagreement between trustees of Roman Catholic Separate Schools and Inspectors of Public Schools, or other municipal authorities, which may be referred to his equitable arbitrament ; 37 V. c. 28 s. 129 (11). *See also Rev. Stat. c. 206, s. 44.*



4. To decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Inspector or other school officer; 37 V. c. 27, s. 32 (2); 37 V. c. 28, s. 129 (5). Settle disputes and complaints.
  5. To direct the application of the balances of the School Fund apportioned for any year which may be forfeited according to the provisions of "*The Public Schools Act*," and "*The High Schools Act*," towards making up the salaries of teachers in the County to which the same has been apportioned; 37 V. c. 27, s. 31 (17); 37 V. c. 28, s. 129 (6). Forfeited balances.  
Rev. Stat. cc. 204, 205
  6. To deduct (should the Municipal Corporation of any County, City, Town, or Village, raise in any one year a less sum than that apportioned to it out of the Legislative school grant) a sum equal to the deficiency, from the apportionment to such County, City, Town, or Village in the following year; 37 V. c. 27, s. 31 (18); 37 V. c. 28, s. 129 (7). Short municipal assessment.
  7. To see that all moneys apportioned by him are applied to the objects for which they were granted; and for that purpose, and, when not otherwise provided for by law, to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the School Fund; 37 V. c. 27, s. 31 (19); 37 V. c. 28, s. 129 (4). All moneys to be applied to objects intended.
  8. To lay before the Legislature, at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Minister of Education; 37 V. c. 27, s. 31 (20); 37 V. c. 28, s. 129 (24). Account for moneys to Legislature.
  9. To make annually to the Lieutenant-Governor, up to the thirty-first day of December, a report of the actual state of the Normal, Model, High and Public Schools and Collegiate Institutes, showing the amount of moneys expended in connection with each class of these Schools and Institutes, and from what sources derived, with such statements and suggestions for improving the schools and the school laws, and promoting education generally, as he may deem useful and expedient; 37 V. c. 27, s. 31 (31), & s. 27 (29); 37 V. c. 28, s. 129 (25); 40 V. c. 16, s. 1 (13). To report annually on Schools. Report to be for calendar year.
  10. To present in such report the journals or abstracts of them which the meteorological station observers are required by "*The High Schools Act*" to keep. 37 V. c. 27, s. 31 (31 a). And to include meteorological reports.  
Rev. Stat. c. 205.
- (10.) *Appeals from Division Court Decisions.*
7. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such Courts, in which the School Inspectors, trustees,
- Appeals from Division Courts.

Rev. Stat. cc. 204, 205. teachers, and others acting under the provisions of "*The Public Schools Act*," and "*The High Schools Act*," are parties, the Judge of any Division Court wherein any such action is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case. 37 V. c. 28, s. 131.

Minister may appeal from such Court to one of the Superior Courts of Law.

8. The Minister may, within one month after the rendering of judgment in any such case appeal from the decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which appeal shall be entitled "*The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)*" 37 V. c. 27, s. 32 (4); 37 V. c. 28, s. 132.

Judge to send Papers to Superior Court.

9. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. 37 V. c. 28, s. 133.

No further proceeding to be taken after notice of appeal.

10. After notice of appeal has been served as hereinafter provided, no further proceeding shall be had in such case until the matter of appeal has been decided by the Superior Court. 37 V. c. 28, s. 131 (a).

Judge to certify proceedings to the Minister.

11. On the Judge receiving an intimation of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. 37 V. c. 28, s. 133 (a).

Setting down case in Superior Court.

12. The matter shall be set down for argument at the next Term of the Superior Court. 37 V. c. 28, s. 134.

Order thereon.

13. Such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require. 37 V. c. 28, s. 134 (a).

Costs.

14. The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. 37 V. c. 28, s. 134 (b).

Costs of appellant to be paid by Minister.

15. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as contingent expenses of his office. 37 V. c. 27, s. 32 (4 a); 37 V. c. 28, s. 136.

**16.** Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. 37 V. c. 28, s. 135.

Proceedings  
in Division  
Court when  
appeal de-  
cided.

**17.** The Minister of Education shall have power to submit a case on any question arising under "*The Public Schools Act*" or "*The High Schools Act*," to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts, for their opinion and decision. 37 V. c. 27, s. 32 (3); 37 V. c. 28, s. 137.

Submit case  
to Judges of  
Superior Court  
for decision.  
Rev. Stat. cc.  
204, 205.

## CHAPTER 204.

### An Act respecting Public Schools.

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- (2) “ *County School Inspectors*, s. 87 (2, 3).
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- (8) “ *Dismissal of Refractory Pupils*, s. 102 (22).
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- (10) “ *Annual and other school meetings and Report thereto*, s. 102 (25, 26).
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- (1) *As to official management*, s. 104 (1-3).
- (2) " *School property*, s. 104 (4-8).
- (3) " *Determining kinds of schools and their teachers*, s. 4 (9).
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- (5) " *Collection and management of school moneys*, s. 104 (11-14).
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- (9) *Penalty for making false Reports or keeping false Registers*, s. 242.
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## PART I.

### PRELIMINARY.

- 1. This Act may cited as "*The Public Schools Act*." Short title.
- 2. In the construction of this Act, Interpretation
  - (1) "Teacher" shall include female as well as male teachers; "Teacher."
  - (2) "County" shall include a Union of Counties. "County."
  - (3) "Township" shall include Unions of Townships made for municipal purposes. 37 V. c. 28, s. 192 (2).
  - (4) "School site" shall mean such area of land as may be necessary for the school building, offices and play-grounds connected therewith; and "School site."
  - (5) "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by the arbitration herein provided. 40 V. c. 16, s. 3 (4).
- 3. Wherever reference is made in this Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts, or amendments to them, which may be in force at the time of performing any duty under their authority. 37 V. c. 28, s. 192 (1). Meaning of reference to Municipal and Assessment Acts.

No rate on supporters of Roman Catholic Separate Schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic Separate Schools. 37 V. c. 28, s. 193.

Existing school arrangements continued.

5. All Public School sections or other Public School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to Public Schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. 37 V. c. 28, s. 2.

Trustees' term of office.

6. The term, for which each school trustee who holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. 37 V. c. 28, s. 3.

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## PART II.

### GENERAL PROVISIONS.

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#### I. PUBLIC SCHOOLS TO BE FREE SCHOOLS.

Public schools to be free.

7. All Public Schools shall be free schools. 37 V. c. 28, s. 141, *part*.

#### II. RIGHT OF CHILDREN TO ATTEND SCHOOL.

Right of children to be educated.

8. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated, for four months in every year; and any parent or guardian who does not provide that every child between the ages aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act. 37 V. c. 28, s. 156.

2. Nothing herein shall be held to require any Roman Catholic to attend a Public School, or to require a Protestant to attend a Roman Catholic School. 37 V. c. 28, s. 156 (*a*).

#### III. RELIGIOUS EDUCATION.

Pupils not to be required to observe religious exercises objected to by their parents.

9. No person shall require any pupil in any Public School to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians. 37 V. c. 28, s. 142.



**10.** Pupils shall be allowed to receive such religious instructions as their parents and guardians desire, according to any general regulations provided for the organization, government and discipline of Public Schools. 37 V. c. 28, s. 142 (a). To receive religious instruction as their parents desire.

#### IV. NO FOREIGN BOOKS TO BE USED WITHOUT PERMISSION.

**11.** No person shall use any foreign books in the English branches of education, in any Model or Public School, without the express permission of the Education Department. 37 V. c. 28, s. 144. Foreign books not to be used without the permission of the Education Department.

**12.** No portion of the Legislative school grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Education Department, and public notice given of such disapproval. 37 V. c. 28, s. 144 (a). Schools using forbidden books not to receive Government aid.

#### V. HOLIDAYS AND VACATIONS IN PUBLIC SCHOOLS.

**13.** Every Saturday shall be a holiday in the Public Schools. 37 V. c. 28, s. 149. Saturdays.

**14.** The Public School year shall consist of two terms; the first shall begin on the third day of January, and end on the seventh day of July, the second shall begin on the eighteenth day of August, and end on the twenty-third day of December. 40 V. c. 16, s. 3 (1). Terms.

**15.** There shall be two vacations during the year for Public Schools; the summer vacation shall be from the eighth day of July to the seventeenth day of August inclusive, the winter vacation from the twenty-fourth day of December to the second day of January inclusive. In the case of united Public and High Schools, and also of Public Schools in Cities, Towns, and incorporated Villages, in which High Schools are situate, the vacations shall be the same as are prescribed for High Schools. 40 V. c. 16, s. 3 (1). Vacations. In cities, towns, and villages.

#### VI. SCHOOL LANDS GRANTED BEFORE 1850 VESTED IN TRUSTEES.

**16.** All lands which, previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted, devised or otherwise conveyed to any person or persons in trust for Common School purposes, and held by such person or persons, or their heirs or other successors in the trust, and have been heretofore vested in the Public School trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees and shall continue to be held by said trustees and their successors upon the like trusts, and subject to the same conditions and estates as the said lands are now respectively held. 37 V. c. 28, s. 150. Schools lands granted before 1850 vested in trustees for school purposes.

## PART III.

## PUBLIC SCHOOL CORPORATIONS.

## I. RURAL SCHOOL SECTIONS.

Trustees' term of office. **17.** For each rural school section, there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. 37 V. c. 28, s. 6.

Requisites for trusteeships. **18.** No person shall be eligible to be elected or to serve as school trustee in a school section who is not a resident assessed freeholder, householder or tenant in the school section. 37 V. c. 28, s. 16 (*last part*); s. 19 (*first part*).

Trustees must make a declaration of office. **19.** Every person elected as trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the chairman of the school meeting; or if the chairman is elected trustee, he shall make said declaration before the secretary of the meeting.

Declaration. "I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected."

37 V. c. 28, s. 9.

Trustees may resign. **20.** Any person chosen as trustee of a rural school section may resign his office, with the consent, expressed in writing, of his colleagues in office, and of the School Inspector. 37 V. c. 28, s. 10.

Trustees to be a corporation. **21.** The trustees in every rural school section shall be a corporation, under the name of "The Public School Trustees of Section No.— in the Township of—, in the County of—;" and no such corporation shall cease by reason of the want of trustees; but in case of such want, any two assessed freeholders or house-holders of the section, or the Inspector, may, by giving six days' notice, to be posted in at least three of the most public places in the section, call a meeting of the assessed freeholders, householders, or tenants, who shall proceed to elect three trustees, in the manner prescribed in the forty-fifth and three following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees by the forty-ninth section of this Act. 37 V. c. 28, s. 23.

Tenure of office.

## II. VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.

Six trustees. **22.** In every Town, not divided into wards, and in every incorporated Village, there shall be six school trustees, two of

whom, after the first election, shall retire from office yearly on the second Wednesday in January. 37 V. c. 28, s. 75.

### III. TOWNS DIVIDED INTO WARDS AND CITIES.

**23.** For every ward into which any City or Town is divided, there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. 37 V. c. 28, s. 70, (a). Two trustees to be annually elected in each ward.

**24.** One of the trustees elected shall retire on the second Wednesday in January in rotation. 37 V. c. 28, s. 70, (b).

**25.** The school trustees for each City, Town, or incorporated Village, shall be a corporation, under the name of "The Public School Board of the City [Town, Village, or Division] of ———, in the County of ———," and shall succeed to all the corporate property, rights and powers, and be subject to all the corporate obligations and liabilities of the preceding trustees. 37 V. c. 28, s. 85. Trustees to be a Corporation.

### IV. UNORGANIZED TOWNSHIPS.

**26.** In unorganized Townships in any County or District it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone, if there is no Inspector, and for the Inspector alone if there is no Stipendiary Magistrate, to form a portion of a Township, or of two or more adjoining Townships, into a school section. Formation of school sections in unorganized Townships.

2. No such section shall, in length or breadth, exceed five miles in a straight line; and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration.

3. No such school section shall be formed except on the petition of five heads of families resident therein. 37 V. c. 28, s. 39.

**27.** After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. 37 V. c. 28, s. 40. Election of school trustees.

**28.** The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School trustees generally. 37 V. c. 28, s. 41. Trustees' powers and obligations.

Annual assessment roll.

Revision of assessment roll.

Appeal against assessment roll.

Manner of appeal.

Confirmed roll binding.

Board of trustees in certain townships.

Duties.

Appeals in unorganized township.

**29.** The trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there is no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he may perceive therein. 37 V. c. 28, s. 42.

**30.** A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there is no Stipendiary Magistrate, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals. 37 V. c. 28, s. 43.

**31.** All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision. 37 V. c. 28, s. 44.

**32.** The annual roll, as finally passed and signed by the Magistrate (or Inspector's,) shall be binding upon the trustees and ratepayers of the section until the annual roll for the succeeding year is passed and signed as aforesaid. 37 V. c. 28, s. 45.

**33.** In Municipalities composed of more than one Township, but without County organization, there shall be a Board of five Public School trustees for the Municipality, elected annually on the second Wednesday in January, who among other duties imposed upon Township Boards and rural trustees, and applicable to their circumstances, shall, upon the petition of five heads of families, provide adequate school accommodation and a teacher or teachers for the children of the petitioners and others.

2. Such trustees shall be subject to the same obligations as Public School trustees generally. 40 V. c. 16, s. 16, *part*.

**34.** Where any Township under the jurisdiction of a Township Board, is unorganized, appeals against its certified assessment roll, made out by a person appointed by the Board, shall be made to the Stipendiary Magistrate or Judge of the District or County, who has jurisdiction in other matters therein. 40 V. c. 16, s. 16, *part*.



**35.** In forming union school sections between and out of an organized Township Municipality and an unorganized Township or locality within any Territorial or Judicial District, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized Township or locality, and the Reeve of the organized Township, for his Township. 40 V. c. 16, s. 16, *part*. Union school sections.

#### V. OFFICE OF TRUSTEE.

**36.** Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 37 V. c. 28, ss. 19, 82. Re-election of any trustee lawful.

**37.** Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. 37 V. c. 28, ss. 8, 81. Term for vacancies.

**38.** If a trustee of any School Corporation is convicted of any felony or misdemeanor, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the School Municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant and order a new election. 40 V. c. 16, s. 17 (4). Vacancy in office of trustee when caused.

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### PART IV.

#### SCHOOL ELECTIONS AND MEETINGS.

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##### I. ANNUAL ELECTIONS.

**39.** The annual meetings for the election of school trustees, shall be held in all Cities, Towns, Townships and incorporated Villages, on the second Wednesday in January, in every year, commencing at the hour of ten of the clock in the forenoon. 37 V. c. 28, s. 4. Annual election on the second Wednesday in January.

**40.** In Cities, Towns, and incorporated Villages, the same time shall be allowed for the election of school trustees which is allowed by the Municipal Institutions Act (which may be in force at the time), for the election of municipal Councillors in such Municipalities, except that the poll shall open at ten o'clock in the forenoon instead of nine. 37 V. c. 28, s. 72 (a); 40 V. c. 16, s. 3 (3). Duration of election.

When poll shall close.

**41.** The poll at every election of a rural school trustee or trustees shall not close before eleven of the clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four of the clock in the afternoon of the day on which the election is commenced. 37 V. c. 28, s. 5 (*also s. 72*); 40 V. c. 16, s. 3 (3).

## II. SEPARATE SCHOOL SUPPORTERS NOT ENTITLED TO VOTE.

Separate school supporters not to vote.

**42.** No person subscribing towards the support of a Separate School established under any Act respecting Separate Schools, and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a Public School in the City, Town, Village or Township in which the Separate School is established. 37 V. c. 28, s. 183.

## III. ELECTION OF TRUSTEES IN RURAL SCHOOL SECTIONS.

### (1) *In New School Sections.*

Proceedings on the formation of a new school section.

**43.** Whenever a new school section is formed in any Township, as provided in the seventy-eighth section of this Act, the Clerk of the Township shall give notice of the description and number of such school section to the person appointed to call the first school meeting in it for the election of trustees. 37 V. c. 28, ss. 11, 54.

A meeting in new section to be called within twenty days.

**44.** The person so appointed shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so prepared by him to be posted in at least three of the most public places in the new school section, at least six days before the time of holding the meeting. 37 V. c. 28, s. 12.

Chairman and secretary to be appointed at meeting.

**45.** The resident or non-resident assessed freeholders, householders, or tenants of such school section present at such first meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform all such other duties as may be required of him by this Act. 37 V. c. 28, s. 13.

Duties.

Duties of chairman—His casting vote.

**46.** The chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting; and, in case of an equality of votes, he shall give the casting vote—but he shall have no vote except as chairman. 37 V. c. 28, s. 14.

Mode of recording votes at school meeting.

**47.** The chairman shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present. 37 V. c. 28, s. 15.

**48.** At the first school section meeting, the electors present shall, by a majority of votes, elect from the resident assessed freeholders, householders, or tenants in the section, three trustees. 37 V. c. 28, s. 16 (*first part*), & s. 19 (*first part*). Three resident trustees to be elected at first school meeting.

**49.** The trustees elected at a first school section meeting shall respectively continue in office as follows:— Term of office of each trustee.

1. The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected; First.

2. The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected; Second.

3. The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected. 37 V. c. 28, s. 17. Third.

**50.** A correct copy of the proceedings of a first and of every annual, and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the County Inspector. 37 V. c. 28, s. 18. Copy of proceedings to be sent to the County Inspector.

## (2) *Annual Rural School Section Meetings.*

**51.** At every annual rural school section meeting, as authorized and required to be held by the thirty-ninth section of this Act, the assessed freeholders, householders, or tenants of such section present at such meeting, or a majority of them, Mode of proceeding at annual school meetings.

1. Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary, by the forty-fifth, forty-sixth and forty-seventh sections of this Act; Appointment of chairman and secretary.

2. Shall receive and decide upon the school report of the trustees, and shall receive, or otherwise deal with, (as provided by this Act,) the financial report of the auditor or auditors of the school accounts of the previous year laid before the meeting, as required by the one hundred and nineteenth section of this Act; Trustees' and auditors' general report to be submitted.

3. Shall elect a resident assessed freeholder, householder, or tenant, or freeholders or householders of the section, to be a trustee or trustees, to fill any vacancy or vacancies in the trustee corporation; Annual election of school trustees.

School section auditor to be appointed.

4. Shall appoint a fit and proper person to be auditor of the school accounts of the section for the then current year. 37 V. c. 28, s. 20.

### (3) *Electors in Rural School Sections.*

Who are legal voters at school meeting.

**52.** No person shall be entitled to vote in any school section for the election of trustee, or on any school question whatsoever, unless he has been assessed, and has paid County, Township or rural section school-rates as a freeholder, householder, or tenant of such section: and in case an objection is made to the right of any person to vote at a school section meeting, the chairman or presiding officer at the meeting shall, at the request of any ratepayer, require the person, whose right of voting is questioned, to make the following declaration:

Form of declaration required from school electors.

“ I do declare and affirm that I have been rated on the assessment roll of this school section, as a freeholder (householder, or tenant, as the case may be), and that I have paid a public school tax due by me in this section, imposed within the last twelve months and that I am legally qualified to vote at this meeting ;”

Effect of declaration.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration, his vote shall be rejected. 37 V. c. 28, s. 21.

### (4) *Deferred School Meetings.*

Meetings to be called in default of first or annual meetings.

**53.** In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two assessed freeholders, householders, or tenants in the section may, within twenty days after the time at which the meeting should have been held, call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. 37 V. c. 28, s. 22.

## IV. IN VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.

First election of school trustees in a village or town.

**54.** On the incorporation of any Town or Village, the Returning Officer appointed to hold the first municipal election therein, shall call a meeting, by giving six days' notice in at least three public places in the Town or Village, for the election of school trustees to take place on the second Wednesday in January.

2. In case of his neglect to do so, for one month, any two freeholders in the Town or Village may, on giving like notice, call a meeting for this purpose.



3. At such meeting six trustees shall be elected, who shall hold office during the periods mentioned in the next succeeding section. 37 V. c. 28, s. 76.

**55.** The trustees of every such Town and Village shall be divided by lot into three classes, each consisting of two trustees, and to be numbered one, two, three. Trustees when first elected to be classified.

2. The first of such classes shall hold office one year, the second of such classes shall hold office for two years, and the third of such classes shall hold office for three years, and until the successors to the trustees in such classes respectively are elected. 37 V. c. 28, s. 77.

**56.** The trustees composing one of such classes shall retire yearly in rotation. Such trustees to retire yearly by rotation.

2. The order of such rotation of the trustees first elected shall be determined by lot at the first meeting of the trustees after their election.

3. Except the trustees elected at the first election, the trustees so to retire shall be those who have held the office for the then next preceding three years, or who have been elected to supply any vacancy in the retiring class. 37 V. c. 28, s. 78.

**57.** A school meeting shall be held annually on the second Wednesday in January, in every such Town and Village, at the place of the then last annual election of Councillors. Subsequent annual election of two trustees in towns and villages.

2. At such meeting the assessed freeholders and householders of the Town or Village shall elect two persons to be trustees in the place of the two retiring from office.

3. The trustees so elected shall continue in office three years, and until their successors have been elected. 37 V. c. 28, s. 79.

## V. IN TOWNS DIVIDED INTO WARDS, AND CITIES.

**58.** On the incorporation of any City or Town, and the division thereof into wards, two fit and proper persons shall, at the first election of school trustees, be elected school trustees of every ward, by a majority of the votes of the assessed freeholders and householders thereof. First election of school trustees in cities and towns.

2 One of the trustees (to be determined by lot at the first meeting of trustees after their election), shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer, and then retire. Term of office.

3 Every trustee shall continue in office until his successor has been elected. 37 V. c. 28, s. 69.

Subsequent  
annual elec-  
tion of trus-  
tees.

**59.** In every City and Town, on the second Wednesday in January, an election shall be held in every ward at the place of the last municipal election, and under the direction of the same Returning Officer and Deputy Returning Officers, and conducted in the same manner as an ordinary municipal ward election; but the voting shall be by open vote, and the provisions of the Acts respecting voting by ballot shall not apply to such elections. 37 V. c. 28, s. 71 (a); 40 V. c. 16, s. 3 (2).

2 In case of the default of such Returning Officer or Deputy Returning Officer, then the election shall be held under the direction of such person as the electors present may choose. 37 V. c. 28, s. 71 (b).

One trustee  
each ward.

3 At such election one fit and proper person to be a trustee shall be elected by a majority of the votes of the assessed freeholders and householders in and for every ward. 37 V. c. 28, s. 71 (c).

4 The trustee so elected shall continue in office for two years, and until his successor has been elected. 37 V. c. 28, s. 71 (d).

#### VI. DECLARATION TO BE TAKEN BY ELECTORS IN CITIES, TOWNS AND VILLAGES.

Challenging  
voters at  
school elec-  
tions.

**60.** In case an objection is made to the right of any person to vote at an election in any City, Town, or Village, or upon any other subject connected with school purposes therein, the Returning Officer or Deputy Returning Officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration,

Declaration.

"I do declare and affirm that I have been rated on the assessment roll of this City (Town or Village, *as the case may be*), as a freeholder (householder or tenant, *as the case may be*), and that I have paid a public school tax in this ward (Town or Village, *as the case may be*), within the last twelve months, and that I am legally qualified to vote at this election."

Whereupon the person making such a declaration shall be permitted to vote. 37 V. c. 28, s. 80.

#### VII. CONTESTED ELECTIONS.

Contested  
elections in  
cities, towns,  
and villages.

**61.** It shall be the duty of the Judge of the County Court, within twenty days after the election of a Public School trustee or trustees in any City, Town, or incorporated Village within his County, to receive and investigate any complaint respecting the mode of conducting the election, and confirm it or set it aside, and appoint the time and place of holding a new election, as he may judge right. 37 V. c. 28, sec. 83 (a).

**62.** The expenses of the investigation of any such complaint shall be paid by the parties concerned, as may be decided by the County Judge. 37 V. c. 28, s. 83 (b). Costs of contested elections.

# VIII. SPECIAL PROVISIONS RELATING TO THE CITY OF TORONTO.

**63.** The annual election of school trustees, in the City of Toronto, shall be held as in the next fourteen sections provided. 32 V. c. 44, s. 1; 39 V. c. 61. Election in Toronto as provided in ss. 63-77.

**64.** A meeting of the electors for the nomination of candidates for the office of school trustees, shall take place at noon on the last Wednesday in December annually, or on the day following should the same be a holiday, at such place in each ward thereof as may from time to time be fixed by resolution of the Board. 39 V. c. 61, s. 1 (2). Time and place for meeting for nomination.

**65.** The Board shall by resolution name the Returning Officer for each ward, who shall preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, a chairman chosen by the meeting shall preside; and the Secretary of the Board shall give at least six days notice of such meeting. 39 V. c. 61, s. 1 (3). Nomination of Returning Officer. Notice of meeting.

**66.** At the said meeting, if only the necessary number of candidates to fill the vacant offices are proposed and seconded, the Returning Officer or chairman shall, after the lapse of one hour, declare such candidates duly elected; but if two or more candidates are proposed and a poll is demanded by any candidate or elector, the Returning Officer or chairman shall adjourn the proceedings for filling such office until the second Wednesday in January thereafter, when a poll or polls shall be opened in each ward or polling subdivision and at such place or places therein respectively as may be determined by resolution of the said Board. Proceedings at the meeting.

2 The poll or polls shall be opened at the hour of nine o'clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. 32 V. c. 44, s. 1; 39 V. c. 61, s. 1 (4). Opening poll.

3. The Board shall by resolution fix the places for holding the election, and also name the Returning Officers who shall preside at the respective polling places. 39 V. c. 61, s. 1 (4). Places for holding election.

**67.** The Clerk of the City of Toronto shall, not later than one month prior to the day of election, deliver to the Secretary of the Board of School Trustees a list of the names, alphabetically arranged, of all the freeholders and householders rated upon the then last revised assessment roll and not supporters of Sepa- Voters' lists.

rate Schools, for each ward, and shall attest the said list by his solemn declaration. 32 V. c. 44, s. 3; 39 V. c. 61, s. 7.

Poll books and how kept.

**68.** The Secretary of the Board of School Trustees shall provide the Returning Officer of every ward or polling subdivision with the said list and a poll book; and, at every election at which a poll is demanded, the Returning Officer, or his sworn Poll Clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name, with the residence of the voter. 32 V. c. 44, s. 4.

Returning officer to administer oaths, &c.

**69.** The Returning Officer or chairman may administer all oaths or affirmations necessary at the election. 32 V. c. 44, s. 5.

Challenging voters.

**70.** In case an objection is made to the right of any person to vote at any election in the City of Toronto, or upon any other subject connected with school purposes therein, the Returning Officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration or affirmation:—

Declaration of voters.

"I, A. B, do declare and affirm that I have been rated on the assessment roll of this ward (or polling subdivision) as a freeholder (or householder, as the case may be); that I am the person whose name appears on the assessment roll; and that I am of the full age of twenty-one years, and not a supporter of Separate Schools."

Whereupon the person making such declaration shall be permitted to vote. 32 V. c. 44, s. 6.

Returning officer to return poll book.

**71.** The Returning Officer shall, on the day after the close of the election, return the poll book to the Secretary of the Board of Public School trustees, with his solemn declaration thereto annexed, that the poll book has been correctly kept, and contains a true record of the votes given at the polling place for which he was Returning Officer. 39 V. c. 61, s. 2 (1).

Secretary to declare election and post up statement.

**72.** The Secretary of the Board shall add up the number of votes for each candidate for any office, as appears from the poll books so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall at noon, on the day following the return of the poll books, put up, in some conspicuous place at his office, a statement under his hand, shewing the number of votes for each candidate. 39 V. c. 61, s. 2 (2).

Secretary may vote in case of a tie.

**2.** In case two or more candidates have an equal number of votes, the Secretary of the Board, at the time he declares the result of the poll, shall give a vote for one or more of such candidates, so as to decide the election. 39 V. c. 61, s. 2 (3).



**73.** The Judge of the County Court shall, within twenty days after the election of a Public School trustee in the said City of Toronto, receive and investigate, and in a summary manner, upon complaint lodged respecting the validity of a mode of conducting the election, hear and determine the same; and may by order cause the assessment rolls, Collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him, as he may deem expedient, and confirm the same; or, in case the election complained of is adjudged invalid, the Judge forthwith by writ shall cause the person so found not to have been duly elected to be removed, and, in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held, and shall appoint the time and place of holding such election. 32 V. c. 44, s. 8.

Proceedings at  
contested elec-  
tions.

**74.** If after the election of any person as member of the Board he is convicted of felony or infamous crime, or absent himself from the meetings of the Board for three months without being so authorized by a resolution of the Board, entered on its minutes, his seat shall thereby become vacant, and the Board shall declare the seat vacant and order a new election. 39 V. c. 61, s. 3.

Vacation of  
office.

**75.** Any member of the Board may, with the consent of the majority of the members present, to be entered on the minutes of the Board, resign his seat at the Board. 39 V. c. 61, s. 4.

Resignation.

**76.** In case of any vacancy arising from any of the above causes, or from death, the Board shall take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 39 V. c. 61, s. 5.

New election  
in case of  
vacancy

2. The new election shall be conducted in the same manner as provided in the foregoing sections as regards naming the places and Returning Officers, and the Secretary of the Board shall give at least six days' notice of the nomination of candidates, and in case a poll is demanded, the election shall be had one week from the day of said nomination, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. 39 V. c. 61, s. 6.

Proceedings  
on new elec-  
tion.

**77.** The Board, in addition to the powers conferred upon them under this Act, in reference to the compulsory taking of

Power to settle  
all claims to

land taken for school site. land for school sites, shall have the power to settle all claims or rights had by any person or persons other than the owner of the said land over any land so required as a site for a Public School, by arbitration, in the same manner as is provided for the compulsory extinguishment or settlement of the owner's rights over the said land. 39 V. c. 61, s. 8.

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## PART V.

### DUTIES AND POWERS OF MUNICIPAL COUNCILS.

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#### I. DUTIES AND POWERS OF TOWNSHIP COUNCILS.

##### (A) DUTIES OF TOWNSHIP COUNCILS.

**78.** It shall be the duty of every Township Council,

##### (1) *Formation of Rural School Sections.*

Council to form new school sections, their size.

1. To form portions of the Township, where no schools have been established, into school sections; 37 V. c. 28, s. 46 (1).

(a) No section shall be formed which contains less than fifty resident children, between the ages of five and sixteen years, unless the area of the section contains more than four square miles. 37 V. c. 28, s. 46 (1a).

Union of existing sections:

Meetings to be called.

2. To unite two or more sections in the same Township into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose), a majority present of the assessed freeholders and householders of each of the sections request to be united; 37 V. c. 28, s. 46 (2).

Convener.

3. To appoint a person in a new or united school section to call its first school section meeting; and cause such person to be notified by the Township Clerk in the manner prescribed in the forty-third section of this Act; 37 V. c. 28, s. 46 (3).

Township clerk to furnish information to County Inspector.

4. To cause the Clerk of the Township to furnish the County Inspector of schools with a copy of all the proceedings of the Council relating to the formation or alteration of school sections, all school assessments, and other educational matters; 37 V. c. 28, s. 46 (4).

(2) *Rural School Assessments and Loans.*

5. To cause the Assessor of the Township, in preparing the annual assessment roll of the Township, and setting down therein the school section of the person taxable, to distinguish between Public or Separate, and in setting down therein his religion, to distinguish between Protestant and Roman Catholic, and whether supporters of Public or Separate Schools, and the Assessor shall, accordingly, insert such particulars in the respective columns of the assessment roll prescribed by law for the school section and religion respectively of the person taxable, and the Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any elector of the Municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of "*The Assessment Act*," in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act; 40 V. c. 16, s. 13 (2).

Provisions for ascertaining Public and Separate supporters for assessment.

Assessment roll further columns.

Rev. Stat. c. 180.

6. To cause the Clerk of the Township, in annually making out the Collector's roll, to place further columns therein, so that under the head of "*School Rate*," the Public School rate may be distinguished from the Separate School rate, and also under "*Special Rate for School Debts*," to distinguish between Public and Separate School purposes, and the Clerk of the Township shall prepare such Collector's roll accordingly, and the proceeds of any such rate shall be kept distinct by the Collector, and accounted for accordingly; 40 V. c. 16, s. 13 (2).

Collector's roll further columns.

7. To cause, through their Collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of Public or Separate Schools by competent lawful authority in that behalf and at their request, and to account annually for the sums so to be collected; 40 V. c. 16, s. 13 (2).

Collector of School rates

(a). The foregoing provisions shall be construed so as not to affect or impair any of the provisions of *The Act respecting Separate Schools*, and it shall be optional with the trustees of each Separate School and of each Roman Catholic Separate School established under the said Act, or the Acts heretofore in force in that behalf, to avail themselves of the foregoing provisions of this Act, instead of those specially prescribed in the said Acts for the purpose of ascertaining the supporters of their respective Separate Schools in such Municipality, and the taxes payable by such supporters, and the collection thereof, and in cases where such option is exercised by the trustees compliance

Provisions permissive not to impair any provisions of Rev. Stat. c. 206.

Rev. Stat. c.  
180.

with the special provisions of the said Act shall be unnecessary but the trustees in order to avail themselves of the foregoing provisions of this Act shall give notice of such intention to the Clerk of the Municipality at least one week before the time prescribed by "*The Assessment Act*," for preparing the assessment roll; 40 V. c. 16, s. 13 (2).

Council to im-  
pose certain  
payments as  
required by  
trustees.

8. To levy, and collect by assessment upon the taxable property in any school section, in the manner provided by this Act, and by the Municipal and Assessment Laws at the time in force, such sum as may be required by the trustees thereof for the purchase of a school site, the erection, repair, rent, furniture, and fittings, of a school house and its appendages the erection and repair of fences, outbuildings, or the rent, purchase, or erection of teacher's residence, the purchase of maps, apparatus, text, library and prize books for the school, and, salary of the teacher, assistant or monitor, and other like expenses of the school, as may be determined by such trustees; 37 V. c. 28, s. 46 (5); s. 141 (a); 40 V. c. 16, s. 13 (1).

Council may  
authorize  
trustees to  
borrow money  
for special  
purposes;  
provide for  
repayment.

9. To pass a by-law granting to the trustees of any school section, on their application, authority to borrow any sums of money which they may think necessary for the purchase of school sites, for the erection or repair of a school house or school houses and their appendages, or for the purchase or erection of a teacher's residence; and such by-law shall not be required to be submitted to a vote of the electors or rate-payers; 37 V. c. 28, s. 48 (2); 40 V. c. 16, s. 3 (5) & s. 5.

School loans.

10. To issue a debenture or debentures, in the form given in the Schedule to this Act, for the amount of any loan which by any such by-law of the Council the trustees of such school section are authorized to make, together with a sufficient sum for the payment of the interest on the sum so borrowed, and a proportionate sum sufficient to form a sinking fund to pay off the principal at any time within ten years; 37 V. c. 28, s. 46 (6); 39 V. c. 7, *Sched. B*; 40 V. c. 16, s. 3 (5).

Levy rate.

11. To cause to be levied in each year, upon the taxable property of the school concerned (and upon such other taxable property as is herein made liable in case of an alteration in the boundaries of the section or division) a sum sufficient to pay the interest on the amount borrowed by the trustees on the authority of the Council, and also a sum sufficient to pay off the principal during any period not exceeding ten years, as may be agreed upon by the trustees, and the lender of the money; 37 V. c. 28, s. 46 (7).

Principal and  
interest.

Proviso—  
Liability of  
old section.

(a) Notwithstanding any alteration which may be made in the boundaries of such section or division, the taxable property situated in the school section or division at the time when such loan was effected, shall continue to be liable for the rate which



may be levied by the Township Council for the repayment of the loan. 37 V. c. 28, s. 46 (7a).

(b) If such rate is not paid, it may be collected by the Township Council, by distress and sale of goods and chattels, or by suit in the Division Court. 37 V. c. 28, s. 46 (7b).

### (3) *Valuation of School Property.*

12. Where a by-law has been passed for establishing a Public School Board for the Township—to appoint the County Inspector, jointly with two other competent persons, to value the existing school houses, school sites, and other school property in each and every section of the Township, and to ascertain their respective debts and liabilities, as provided by section one hundred and forty-nine of this Act; 37 V. c. 28, s. 46 (8). *See* 40 V. c. 16, s. 6 (8). Township valuers to estimate value of each school section property

13. To pass a by-law, and to give full effect to the report of said valuers; *See* 37 V. c. 28, s. 46 (9); 40 V. c. 16, s. 6 (8). Give effect to their report.

14. To pay to the Inspector and other persons, while engaged in the valuation of school sites and other school property and reporting thereon, under this Act, an allowance per day and for travelling expenses of not less an amount than that paid to a member of the County Council for attendance at its meetings. 37 V. c. 28, s. 46 (10). Remuneration to valuers.

**79.** No Township Council shall levy and collect in any school section during any one year more than one school section rate except for the purchase of a school site, or for the erection of a school house; and no such Council shall give effect to any application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to the Council at or before its meeting in August of the year in which the application is made. 37 V. c. 28, s. 47. Council not to levy more than one rate except in certain cases.

### (B) *POWERS OF TOWNSHIP COUNCILS.*

**80.** Every Township Council shall have power to pass by-laws for the following purposes:—

#### (1) *General Powers.*

1. To provide for obtaining such real property as may be required for the erection thereon of Public School houses, and for other public purposes; and for providing any additional sums for the establishment and support of Public Schools according to this Act; 37 V. c. 28, s. 48 (5). Real property. Support schools.

2. To levy such sums as it judges expedient for purchasing books for a Township library, under such regulations as are provided in that behalf; 37 V. c. 28, s. 48 (6). Council may establish libraries.

Council may establish, and be Trustees of Model School.

3. To levy such sums as it judges expedient for procuring the site, and for the erection and support of a Township Model School; and in such event the members of such Township Council shall be the trustees of such Model School, and shall possess the powers of Public School trustees in respect to all matters affecting such Model School; 37 V. c. 28, s. 48 (7).

Public Schools may be united with Township Model School.

4. To give its consent to the merging, by the trustees, of any one or more Public Schools, at their discretion, of their schools into such Model Schools;

(a) Tuition to student teachers in such Model School shall be free. 37 V. c. 28, s. 48 (8).

Correct mistakes in school roll.

5. To correct any omission or mistake in the Assessor's or Collector's school roll; 37 V. c. 28, ss. 48 (9), 59 (a)

Invest surplus moneys.

6. To set apart surplus moneys for educational purposes, and to invest the same either in a loan or loans to school trustees or otherwise, as authorized by the ninety-third and the ninety-fourth sections of this Act; 37 V. c. 28, s. 48 (3); s. 62, (2); 39 V. c. 7, *Sched. B* (18).

Apportion rates or other moneys according to rate of teachers' salaries.

7. To apportion at its discretion either out of moneys raised by rate, or out of any other moneys at its disposal and not otherwise specifically appropriated, a sum to all of the Public Schools in the Township equal to such proportion as the Council may see fit, of the actual salaries paid in the respective school sections during the year then last past, to the Public School teachers of such sections; 37 V. c. 28, s. 48 (4).

## (2.) *Alteration of School Section Boundaries.*

Alteration, &c., of school sections.

81. Every Township Council shall also have power to pass by-laws to alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all parties to be affected by the proposed alteration, division or union respectively, have been duly notified by the Council of the proposed proceeding for this purpose, or of any application made to the Council to do so. 40 V. c. 16, s. 7.

Appeal to County Council from alteration, &c.

82. Any alteration in the boundaries of a school section or division or union, as in the last preceding section mentioned, made by a Township Council, or the neglect or refusal of the Council to take any such proceeding at the request, in writing, of the trustees of the school section concerned, or of the Inspector, may be appealed against to the County Council as provided in section eighty-eight of this Act. 40 V. c. 16, s. 7.

**83.** The school boundaries of a Village rural school section, or other school division, existing at the time of its incorporation, as a Village or Town Municipality, shall continue in force, and be considered as the school boundaries of the newly incorporated Village or Town, notwithstanding its incorporation, until such boundaries are altered under the authority of this Act. New village boundaries. 37 V. c. 28, s. 74.

**84.** Every alteration made in the boundaries of a rural school section by a Township Council, under the restrictions imposed in this Act, shall be by by-law, which by-law shall be passed not later than the first day of May in any year, nor shall the same take effect before the twenty-fifth day of December next after the alteration has been made; and it shall be the duty of the Township Clerk to send forthwith, after the by-law has been passed, a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector. School section boundaries must be altered by 1st May. Notice. 37 V. c. 28, ss. 49, 57.

**85.** On the formation, dissolution or alteration of a union school section, or on the formation, division or alteration of any school section in the same Township, the County Inspector and two other persons appointed by the Township Council as valuers shall value and adjust in an equitable manner, all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the Township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said valuers or any two of them shall be final and conclusive. a Adjustment of claims between unions in same township. 40 V. c. 16, s. 10.

**86.** In case a school site, or school house, or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such a manner as a majority of the assessed freeholders and householders in the altered or united school sections may decide at a public meeting called for that purpose; and the inhabitants transferred from one school section to another, shall be entitled, for the Public School purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other Public School property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other Public School purposes of such old section. Disposal of school property when not wanted. Altered sections. United sections. In the case of united sections, the proceeds of the sale shall be applied to the like Public School purposes of such united sections. 37 V. c. 28, s. 56.

## II. DUTIES AND POWERS OF COUNTY COUNCILS.

## (A) DUTIES OF COUNTY COUNCILS.

(1) *Levy of Equivalent to Legislative Grant.***87.** It shall be the duty of the County Council,

To raise equivalent to Legislative school grant.

1. To cause to be levied yearly upon the several Townships of the county, for the payment of the salaries of legally qualified Public School teachers, assistants or monitors, such sums of money as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several Townships of said County for the year, and notified by him to the Council through the County Clerk ; 37 V. c. 28, s. 61 (1).

(2) *As to County Public School Inspectors.*

Appointment of School Inspectors.

2. To appoint and pay quarterly the County salary of one or more persons holding the necessary certificate of qualification (as prescribed by this Act), to be Inspector or Inspectors of Public Schools in the County, who shall each have charge of not more than one hundred and twenty, or less than fifty schools each ; 37 V. c. 28, s. 61 (2).

Number.

(a) It shall not be necessary to appoint more than one Inspector in each Riding of a County. 37 V. c. 28, s. 61 (2 a)

French or German.

(b) In Counties containing any Municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty. 37 V. c. 28, s. 61 (2 b).

Counties may appoint additional inspectors.

(c) In Counties where there are more than fifty Public Schools, the County Council may appoint two or more persons (according to the number of schools), holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each. 37 V. c. 28, s. 61 (2 c).

Change Inspectors.

(d) In a County where there are two or more County Inspectors, the Council of such County may, from time to time, change or remove the Inspectors from one circuit or Riding of the County to another. 37 V. c. 28, s. 61 (2 d).

Fill vacancies.

3. To fill up, from among those legally qualified, any vacancy in the office of County Inspector caused by death, resignation, dismissal, or other cause ; 37 V. c. 28, s. 61 (3).



(3) *As to County Board of Examiners.*

4. To appoint a County Board of legally qualified examiners, Examination of public school teachers. (for the examination and licensing of Public School teachers, being candidates for third-class certificates, in accordance with the regulations provided by law,) consisting of the County Inspector and not more than four other competent persons, whose qualifications shall, from time to time, be prescribed by the Department of Education; 37 V. c. 28, s. 61 (4). See 40 V. c. 16, s. 17 (3).

5. To pay the incidental and other expenses of the Board of Expenses of the Board. Examiners as follows:—

(a) Recompense to the members for their time, travelling, and other expenses, at least equal to that which members of the County Council receive. This recompense may be increased as may be determined by the Council;

(b) Expenses of stationery, room, fuel, light, printing of notices, examination papers and certificates for teachers;

(c) Such remuneration to the secretary of the Board as the Board may deem just and expedient; 37 V. c. 28, s. 61 (5), & s. 117 (2, 2b).

(4) *Accommodation for Examinations.*

6. To provide, upon the application of the Inspector, suitable rooms or other accommodation for holding the examination of Public School teachers in the County; 37 V. c. 28, s. 61 (10), s. 117 (1). Examination of teachers.

(5) *As to County School Auditors.*

7. To appoint annually, or oftener, auditors, who shall audit the accounts of the County Treasurer and other officers to whom Public or High School moneys have been entrusted, and who shall report to such Council; 37 V. c. 28, s. 61 (6). Auditors of school moneys to be appointed.

(6) *Exaction of Security from officers and management of School Fund.*

8. To see that sufficient security is given by all officers of the Council to whom school moneys are entrusted; 37 V. c. 28, s. 61 (7). To obtain security from all persons entrusted with school moneys.

9. To see that no deduction is made from the school fund by the County Treasurer or sub-Treasurer for the receipt and payment of school moneys; 37 V. c. 28, s. 61 (8). No deduction from school fund.

(7) *Payment of Teachers' Salaries.*

Payment of  
teachers.

10. To make the necessary provisions for enabling the County Treasurer to pay, not later than the fourteenth day of December in every year, the Public School Inspector's order, in favour of a teacher, assistant, or monitor. 37 V. c. 28, s. 61 (11).

(8) *Committee of Appeal from Township Councils.*

County coun-  
cils to appoint  
committees to  
settle appeal  
against forma-  
tion or altera-  
tion of school  
sections.

88. The Council of the County in which any Township is situate shall appoint a committee of not more than five, or less than three, competent persons (two of whom shall be the County Judge and a County Inspector), and a majority of whom shall form a quorum, to investigate the matter of any appeal or complaint by a majority of the trustees, or any five rate-payers, of one or more school sections in any Township, to the County Council, against any by-law or resolution passed at any time previously by the Township Council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the Township Council (on application being made to it by the trustees, or Inspector), to form, divide, unite or alter the boundaries of a school section or school sections within such Township. 37 V. c. 28, s. 61 (9); 40 V. c. 16, s. 8.

2. The committee thus appointed shall revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of December in the year in which the committee so decides, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the Township Council, but such change shall be subject to the like appeal to the County Council. 37 V. c. 28, s. 61 (9a, 9c).

Who may not  
act on the com-  
mittees

3. No person shall be competent to act on the committee who was or is a member of the Township Council which passed the by-law or resolution complained of. 37 V. c. 28, s. 61 (9b).

Notice.

4. Due notice of the alterations or the determination of the said matters made by the committee, shall be given by the Inspector to the Clerk of the Township and to the trustees of the school sections concerned. 37 V. c. 28, s. 61 (9d); 40 V. c. 16, s. 8.

## (B) POWERS OF COUNTY COUNCILS.

(1) *Teachers Salaries and Pensions.*

89. Every County Council shall have authority,

Quarterly pay

1. To arrange for the payment of such sums as may be re-

quired for teachers' salaries so that the salaries may be paid at least quarterly in each year; and if there are not sufficient funds, to borrow from any banking corporation such sums as may be required in the meantime until the taxes imposed therefor can be collected; and the Council shall regulate by by-law the amount to be so borrowed at a rate of interest not to exceed seven per cent. per annum, and the promissory note to be given under the seal of the corporation, or the County Council may pay such sums as may be necessary for the said purposes out of any surplus moneys of the County, to be refunded out of the rate when collected; 40 V. c. 16, s. 14.

ment of teachers salaries.

2. To supplement, out of local funds, any pension granted by the Education Department to any Public or High School teacher; 37 V. c. 28, s. 62 (5).

Supplement teacher's pension.

(2) *County Public School Library.*

3. To raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a County Public School Library; 37 V. c. 28, s. 62 (1).

Council may establish County Library.

(3) *Appointment of Township Sub-Treasurer.*

4. To appoint, if deemed expedient, one or more sub-Treasurers of school moneys for one or more Townships of the County; 37 V. c. 28, s. 62 (3).

School sub-treasurers for townships may be appointed.

(4) *Examinations for Teachers' Certificates.*

5. To authorize and direct a separate examination, for the granting of certificates to Public School teachers, to be held in each division of the County where there are two Inspectors in the County; 37 V. c. 28, s. 62 (4).

Two examinations in county.

(5) *Increase of sums levied on Townships.*

6. To increase the sums of money levied yearly upon the several Townships for the payment of duly qualified teachers, either (1) in aid of the County school fund, or (2) on the recommendation of one or more County Inspectors, to give special or additional aid to new or needy school sections; 37 V. c. 28, s. 62 (6).

Increase sums levied on townships.

(6) *Aid to County Model Schools and Teachers' Associations.*

7. To provide and levy in each year the following sums:

(a) The sum of one hundred dollars, at least, towards each Public School which may become a County Model School; and which may be established by the Council in the County or any

Aid to County Model Schools.

Electoral District, or in any City or Town separated under any agreement with the School Board of any such City or Town.

To Teachers' Association.

(b) The sum of fifty dollars towards the County Teachers' Institute or Association in the County or in each Inspector's District. 40 V. c. 16, s. 17 (1).

### III. DUTIES AND POWERS OF COUNCILS OF CITIES TOWNS AND INCORPORATED VILLAGES.

Powers of councils in cities, towns and villages.

**90.** The Municipal Council of every City, Town and incorporated Village is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations (so far as they can apply to such City, Town and incorporated Village), as the Municipal Councils of Counties and Townships are by this Act, and the provisions contained in sub-sections five, six, seven and eight of section seventy-eight shall amongst others apply to Cities, Towns, and incorporated Villages and the Councils and officers thereof. 37 V. c. 28, s. 67; 40 V. c. 16, c. 13 (4e).

By-law need not be ratified by electors.

**91.** No by-law of a City, Town or incorporated Village for creating a debt for school purposes shall be required to be submitted to a vote of the electors or ratepayers. 40 V. c. 16, s. 5 (part).

Pupils competing for High School prizes.

**92.** The Council of every City and Town separated, may pass by-laws for the following purpose:—

For making a permanent provision for defraying the expenses of the attendance at the High School, of such of the pupils of the Public Schools of the City or Town as are unable to bear the expense but are desirous of, and in the opinion of the respective masters of such Public and High Schools, possess competent attainments for, competing for any scholarship, exhibition, or other similar prize, offered by such High School. 37 V. c. 28, s. 68.

### IV. PROVISIONS AS TO INVESTMENT BY MUNICIPAL COUNCILS.

Surplus moneys investment by municipalities.

**93.** Any Municipal Corporation having surplus moneys derived from The Ontario Municipalities Fund, or from any other source, may by by-law set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to, educational purposes, in public securities



of the Dominion, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose.

2. No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. 37 V. c. 28, s. 152. *See* 38 V. c. 29, s. 2. *See also* *Rev. Stat. c. 174, s. 360.*

**94.** Any Municipal Corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any School Corporation within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law, or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor school sections within the Municipality. 37 V. c. 28, s. 153; 40 V. c. 16, s. 3 (6). *See also* *sec. 89 (6), and Rev. Stat. c. 174, s. 361.*

Loan to school corporation by municipalities.

**95.** All moneys paid to any Municipality, or to which it is entitled, under the Municipal Loan Fund Acts, shall be applied by the Municipality in aid of building or improving schools or shall be applied in or to the other purposes specified in said Acts. 37 V. c. 28, s. 154.

Moneys under Municipal Loan Fund Acts in aid of school-houses.

**96.** Any School Corporation may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting, duly called for that purpose, by by-law authorize the borrowing from any Municipal Corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose and to that only. 29-30 V. c. 51, s. 276.; 40 V. c. 16, s. 4.

School Corporations may borrow such moneys.

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## PART VI.

### SCHOOL CORPORATIONS, POWERS AND DUTIES.

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#### I. GENERAL PROVISIONS.

**97.** No act or proceeding of a School Corporation which is not adopted at a regular or special meeting of the trustees, must be per-

Corporate must be per-

formed at  
lawful trustee  
meetings.

shall be valid or binding on any party affected thereby, and notice of the meeting shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. 37 V. c. 28, s. 24.

Quorum of  
School Boards,  
etc.

**98.** In the case of Public School Boards in Cities, Towns or Villages, and of Township Boards, a majority of the members of such Board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation; and in any case of an equality of votes, the chairman shall have the casting vote in addition to his own vote. 40 V. c. 16, s. 5 (*part*).

Equality of  
votes.

Quorum of  
rural school  
corporations.

**99.** In the case of rural school section corporations, the resolution, action or proceeding of at least two of the trustees shall be necessary in order lawfully to bind such corporation. 40 V. c. 16, s. 5 (*part*).

Record of  
proceedings.

**100.** A record of the proceedings of such trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the senior or presiding trustee. 37 V. c. 28, s. 24 (*a*).

Levy and col-  
lect rate.

**101.** The trustees of rural school sections, as well as the Municipal Councils of Cities, Towns, Villages and Townships, shall, in the manner provided by this Act and the Municipal and Assessment Laws then in force, levy and collect the rate upon the taxable property of the school section (*as the case may be*), to defray the expenses of the schools, as determined by the said trustees. 37 V. c. 28, s. 141 (*a*); 40 V. c. 16, s. 13 (1).

## II. RURAL SCHOOL TRUSTEE CORPORATIONS.

### (A) DUTIES.

Duties of  
trustees.

**102.** It shall be the duty of the trustees of every rural school section.

#### (1) *As to Official Management.*

Appointment  
and duties of  
secretary-  
treasurer.

1. To appoint a secretary-treasurer, who may be one of themselves, and who shall give such security as may be required by a majority of the trustees; 37 V. c. 28, s. 26 (1).

Security.

(*a*) The trustees shall deposit the security for safe keeping with the Township Council; and the security shall be for,

Correct keep-  
ing of papers  
and moneys.

(1) The correct and safe keeping and forthcoming (when called for by the trustees, auditors, or other competent authority) of the papers and moneys belonging to the corporation; 37 V. c. 28, ss 26 (1b), 169 (*a*).

- (2) The correct keeping of a record of all the proceedings Records.  
of the trustees in a book procured by them for that purpose. 37 V. c. 28, s. 26 (1c).
- (3) The receiving and accounting for all school moneys Moneys.  
collected by school rate, rate-bill, subscription or otherwise, from the inhabitants or ratepayers of the school section or other parties; 37 V. c. 28, s. 26 (1d).
- (4) The disbursing of such moneys in the manner directed Disbursing.  
by the majority of the trustees. 37 V. c. 28, s. 26 (1e).
- (5) And for the paying over, at the end of every half- Payment over.  
year, to the order of the Inspector, the amount of money which is in such secretary-treasurer's hands,—being teachers' superannuation money which said Inspector has deducted from the salary or salaries of the male teacher or teachers employed by the trustees during each such half-year, or which is payable to the Superannuated Teachers' Fund. 37 V. c. 28, s. 26 (1f).

(b.) All moneys collected in any school section by the trustee Moneys collected to be paid to secretary-treasurer.  
corporation shall be paid into the hands of the secretary-treasurer thereof. 37 V. c. 28, s. 169.

2. To appoint some fit and proper person, or one of them- Appointment and duty of school collector.  
selves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and to pay such collector, at the rate of not less than five, or more than ten, per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Township Council by the trustees. 37 V. c. 28, s. 26 (2); s. 28 (1).

3. To appoint, before the first day of December in every Auditor.  
year, a fit and proper person to be auditor of their school accounts for the current year;

(a) If the trustees neglect to appoint such auditor, or appoint one who refuses to act, the School Inspector shall appoint one for them. 37 V. c. 28, s. 26 (3).

4. To lay before the school auditor or auditors their accounts Submit accounts to auditor.  
and other papers, and to give such other information as is required by the one hundred and sixteenth and one hundred and seventeenth sections of this Act; 37 V. c. 28, s. 26 (4).

5. To exact security from every person to whom they entrust Exact security for school moneys.  
school moneys or other school property, and to deposit said

security with the Township Council for safe keeping ; 37 V. c. 28, s. 169 (a).

(2) *School Property—Buildings, etc.*

Trustees to acquire and hold school property.

6. To take possession and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the section ; and to acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received ; 37 V. c. 28, s. 26 (5).

Trustees may sell school site or other property.

7. To dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act ; 37 V. c. 28, s. 26 (6).

(3) *Providing Adequate Accommodation.*

Provide adequate accommodation.

Extent of accommodation.

8. To provide adequate accommodation for all children of school age resident in their school section, so as to accommodate at least two-thirds of the children who have the right to attend the school of the section, according to the census taken by the trustees for the next preceding year ; 37 V. c. 28, s. 26 (7) ; 40 V. c. 16, s. 17 (2).

Building, or otherwise providing school premises.

9. To build, repair, rent, warm and furnish the section school house, or school houses, and keep in order its or their furniture, appendages, and the school lands and enclosures held by them ; 37 V. c. 28, s. 26 (8).

Rent house for school if none.

10. To build or rent, to repair, furnish, warm, and keep in order a house or houses, and appendages, to be used as a school house or school houses, where there is no suitable school house belonging to the section, or where two or more school houses are required ; 37 V. c. 28, s. 26 (9).

(4) *Obtaining School Moneys—Assessments.*

Provide for salaries and other expenses of the schools.

11. To provide for the salaries of teachers and all other expenses of the school by voluntary subscriptions, rate-bill, where authorized by this Act, or by rate upon property ; and to employ all lawful means to collect or otherwise obtain the sums required for such salaries and other expenses ; and also to arrange for the payment of teachers' salaries at least quarterly in each year, and if there are not sufficient funds, they may borrow such sums as may be required in the meantime, until the taxes



imposed therefor can be collected. The trustees shall by resolution authorize such borrowing, which may be upon their promissory note to be given under the seal of the School Corporation, to be discounted at a rate of interest not exceeding eight per cent. per annum ; 37 V. c. 28, s. 26 (13); 40 V. c. 16, s. 9.

12. To apply to the Township Council at or before its meeting in August, or, as they may judge expedient, to employ their own lawful authority, for the levying and collecting by rate, according to the valuation of taxable property, as expressed in the Assessor's or Collector's roll, all sums for the support of their school, or schools, for the purpose of school sites, the erection or otherwise acquiring of school houses and teacher's residence, and for any other school purposes authorized by this Act to be collected from the freeholders, householders or tenants of such section ; 37 V. c. 28, s. 26 (14), 28 (3). *(See also section 80.)*

Apply to municipality or may levy rate themselves.

13. To assess and cause to be collected an additional rate, in order to pay the balance of the teacher's salary, and other expenses of such school, should the sums provided be insufficient to defray all the expenses of the school or schools ; 37 V. c. 28, s. 26 (15).

Deficiencies to be made up by additional rate on property.

14. To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a warrant directed to the collector of the school section, for the collection of the several sums mentioned in such list, whether school rates or rate bills ; 37 V. c. 28, s. 26 (16).

Make out school rate and collector's warrant.

15. To sue for and recover by their name of office the amounts of school rates, rate-bills, or subscriptions due from persons residing outside of the limits of their school section who may make default in payment to the collector ; 37 V. c. 28, s. 26 (17).

Defaulting residents.

16. To make a return to the Clerk of the Township of the amount of any rate imposed by them for school purposes whenever so imposed ; 37 V. c. 28, s. 26 (18).

Make return of rates to Township Clerk.

(a) If the collector appointed by the trustees of any Public School is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the Clerk of the Municipality, before the end of the then current year, of all such parcels of land, and the uncollected rates thereon. 37 V. c. 28, s. 155 ; s. 26 (18).

Rates on land of non-residents to be returned to the clerk of the municipality.

(b) The Clerk of such Municipality shall make a return to the County, City, Town or Village Treasurer of all such lands, and the arrears of school rates thereon. 37 V. c. 28, s. 155 (a).

(c) Such arrears shall be collected and accounted for by such Treasurer in the same manner as the arrears of other taxes. 37 V. c. 28, s. 155 (b).

(d) The Township, Village, Town, or City Council in which such Public School is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the Municipality. 37 V. c. 28, s. 155 (c).

(5) *Employment and Payment of Teachers.*

Enter into written contracts with teachers.

17. To contract in writing with, and employ teachers, assistants, or monitors for their school section, and to determine the amount of their salaries; 37 V. c. 28, s. 26 (11).

To give orders to qualified teachers for School Fund.

18. To give teachers, assistants, or monitors employed by them the necessary orders upon the County Inspector for the school fund apportioned and payable to their school section; but they shall not give an order in favour of any teacher, assistant, or monitor, except for the actual time during which said teacher, while employed, held a legal certificate of qualification; 37 V. c. 28, s. 26 (12).

(6) *Admission of Residents and Non-Residents.*

Admit residents to school—exception as to Separate Schools.

Rev. Stat. c. 206.

19. To permit all residents of the section between the ages of five and twenty-one years to attend the school, so long as they conform to the general regulations and the rules of the school; but such permission shall not extend to the children of persons in whose behalf a Separate School has been established, according to the provisions of "*The Separate Schools Act*," 37 V. c. 28, s. 26 (19).

Admit non-resident pupils

20. To admit, on the same conditions, and on payment in advance of fees or a rate-bill, not exceeding fifty cents per pupil for every calendar month, any non-resident pupils who reside nearer to such school than to the school in their own section; and in case of dispute as to the distance from the school, the Inspector shall decide; 37 V. c. 28, ss. 26 (20), 28 (6), & 145.

(7) *Visiting Schools.*

Visit Schools.

21. To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and that every school is, at all times, duly provided, at the expense of the school, with Entrance and Daily Registers and a Visitor's Book, in the forms prepared according to law; 37 V. c. 28, s. 26 (21).

(8) *Dismissal of Refractory Pupils.*

22. Any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher, that his presence in school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an Industrial School ; 37 V. c. 28, s. 182.

Dismissal of  
refractory  
pupils.

(9) *Text and Library Books—Establish Library.*

23. To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned and recommended by the Education Department ; and to procure annually, for the benefit of their school section, some periodical devoted to education ; 37 V. c. 28, s. 26 (22).

Text-books.

24. To appoint a librarian ; and to take such steps as are authorized by law, and as they may judge expedient, for the establishment, safe keeping and proper management of a school library in their section ; 37 V. c. 28, s. 26 (23).

Establish  
school section  
library.

(10) *Annual and other School Meetings and Report thereto.*

25. To appoint the place of each annual school meeting of the assessed freeholders and householders of the section ; and the time and place of a special meeting of the same for, (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause, or (2) for the selection of a new school site ; (3) the appointment of a school auditor ; or (4) any other lawful school purpose, as they may think proper ; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting ; 37 V. c. 28, s. 25 (*a, b, c*).

Place of  
annual school  
meeting to be  
appointed by  
the trustees.  
Filling vacan-  
cies.

Notice.

(*a*) Every such meeting shall be organized, and its proceedings recorded in the same manner as provided for in the forty-fifth and three following sections of this Act. 37 V. c. 28, s. 26 (25 *d*).

26. To cause to be prepared and read at the annual meeting of the ratepayers, the school report of the trustees for the year then ending, which report shall include, among other things, a summary of their proceedings and of the state of the school during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year ; which report shall be signed by the trustees and by either or both of the school auditors of the section ; 37 V. c. 28, s. 26 (26).

Prepare and  
read report  
at annual  
meeting.

(11) *Half-yearly Returns and Annual Report to Inspectors.*

Make half-yearly report to County Inspector.

27. To transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in each year, a correct return of the average attendance of the resident and non-resident pupils in the school or schools under their charge during the six months then immediately preceding; 37 V. c. 28, s. 26 (27).

Yearly report to Inspector.

28. To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year, and to prepare and transmit annually, on or before the fifteenth day of January, a report to the County Inspector, signed by a majority of the trustees, and made according to a form provided by the Minister of Education, and to specify therein among other things:—

Contents.

(a) The whole time the school in their section was kept open by a qualified teacher, during the year ending on the thirty-first day of the previous December.

(b) The amount of moneys received for the School Fund, from local rates or contributions, and from other sources, distinguishing the same, and the manner in which all such moneys were expended.

(c) The whole number of children residing in the school section, over the age of five years, and under the age of sixteen: the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under sixteen years of age; and the average attendance of pupils in both winter and summer; but the trustees of the Public School sections, within the limits of which one or more Separate School sections are established, as hereinafter provided, shall not, in their return of children of school age residing in their school sections, include the children attending such Separate School or Schools.

(d) The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the number of public school examinations; visits and lectures, and by whom made or delivered, and such other information respecting the school premises and library as may be required. 37 V. c. 28, s. 26 (28).

## (B.) POWERS.

**103.** It shall be competent for rural school trustees, and they shall have authority,

Text-books, &c.

1. To do whatever they may deem expedient in regard to procuring apparatus, maps, prize, library and text-books for their school; 37 V. c. 28, s. 28 (2).



2. To select the site for, and establish and maintain an additional school or additional schools in the section, with the concurrence of the Inspector, where from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein; 37 V. c. 28, s. 28 (4). Two or more schools in a section authorized.

3. To procure or erect the necessary buildings for such additional school or schools; 37 V. c. 28, s. 28 (5). Buildings for such schools.

(a) Every such school shall be subject to the same regulations and obligations as Public Schools generally. 37 V. c. 28, s. 28 (5 a). Condition.

4. To admit, at their discretion, non-resident pupils to their school, on payment in advance, of fees or rate-bill not exceeding fifty cents a month per pupil; 37 V. c. 28, s. 28 (6) & s. 145. Non-resident pupils may be admitted on payment of fee.

(a) This discretion on the part of the trustees, shall not apply to the non-residents mentioned in clause twenty of the one hundred and second section of this Act. 37 V. c. 28, s. 28 (6 a) & s. 145 (a, b).

5. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other rateable inhabitants of the school section, but the same shall not be deducted from the salary of a teacher; 37 V. c. 28, s. 28 (7). Trustees may exempt indigent persons.

6. To purchase, at their discretion, from any bookseller or other parties, instead of at the Depository of the Education Department, any library or prize books sanctioned by the Department for the Public and High Schools and Collegiate Institutes, as provided by this Act. 37 V. c. 28, s. 28, (8). Purchase of library and prize books.

### III. PUBLIC SCHOOL BOARD IN CITIES, TOWNS AND INCORPORATED VILLAGES.

#### (A) DUTIES.

**104.** It shall be the duty of the Public School Board of every City, Town, incorporated Village respectively, and they are hereby authorized, Duties of the public school board.

##### (1) *Official Management.*

1. To elect annually, or oftener, from among their own members, a chairman, who shall have a right to vote at all times; 37 V. c. 28, s. 86 (1). Election of chairman and his vote.

2. To appoint the times and places of their meetings and the mode of calling them, and of conducting and recording their Time and place of meeting of board.

proceedings, and of keeping all their school accounts ; 37 V. c. 28, s. 86 (2).

(a) The first meeting of every Board may be called by any member thereof, and it shall take place in the City, Town or Village council room. 37 V. c. 28, s. 86 (2a).

Appointment  
of collector  
and secretary-  
treasurer.

3. To appoint a secretary or secretary-treasurer, and one or more collectors, if requisite, of such school fees or rate-bills, as the Board may have authority to charge. 37 V. c. 28, s. 86 (3a, 3b).

(a) The collector or collectors and secretary-treasurer, may be of their own number. 37 V. c. 28, s. 86 (3, 1a).

(b) The secretary-treasurer and the collector or collectors shall be subject to the same duties, obligations, and penalties as the like officers in rural school sections. 37 V. c. 28, s. 86 (3, 2a).

## (2) *School Property.*

Board to take  
possession of  
all public  
school  
property.

4. To take possession of all Public School property ; 37 V. c. 28, s. 86 (4).

5. To accept and hold as a corporation all such property acquired or given at any time, for Public School purposes, in the City, Town, or Village, by any title whatsoever ; 37 V. c. 28, s. 86 (4a).

To manage or  
dispose of it.

6. To manage or dispose of such property, and all money or income for Public School purposes ; 37 V. c. 28, s. 86 (4b).

To apply pro-  
ceeds.

7. To apply the same, or proceeds thereof, to the objects for which they have been given or acquired ; 37 V. c. 28, s. 86 (4c).

To provide  
school pre-  
mises, appa-  
ratus, text-books  
and library.

8. To do whatever they may judge expedient with regard—

(a) To purchasing or renting school-sites and premises : 37 V. c. 28, s. 86 (5a).

(b) To building, repairing, furnishing, warming, and keeping in order the school houses and appendages, lands, enclosures, and movable property ; 37 V. c. 28, s. 86 (5b).

(c) To procuring suitable maps, apparatus, text and prize books, and for establishing and maintaining school libraries ; 37 V. c. 28, s. 86, (5c).

## (3) *Kinds of Schools, and their Teachers :*

9. To determine—

Kind of  
schools.

(a) The number, sites, kind, grade and description of schools (such as male, female, infant, central, or ward schools) to be

established and maintained in the City, Town, Village or division ;

(b) The teachers, assistants, and monitors to be employed ; Teachers. the terms on which they are to be employed ; the amount of their remuneration, and the duties which they are to perform ;

(c) The salary of the Inspector of Schools (to be appointed Inspectors. in Cities and Towns only) as provided by this Act ; 37 V. c. 28, s. 86 (7).

(4) *Financial Estimate for Municipal Council.*

10. To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, an estimate of the sums which they think requisite, To lay before municipal councils estimate for moneys.

(a) For paying the whole or part of the salaries of the Inspector, (in Cities and Towns only,) and of Public and Industrial School teachers in Cities, Towns and Villages ; For salaries of teachers.

(b) For purchasing or renting Public and Industrial School premises ; Procuring school premises.

(c) For building, renting, repairing, warming, furnishing, and keeping in order the Public and Industrial school-houses and their appendages and grounds ; For building, repairing, and keeping in order school-houses.

(d) For procuring suitable apparatus, and text, prize and library books for such schools ; For procuring apparatus, text books, and libraries, &c.

(e) For the establishment and maintenance of school libraries ; and

(f) For all other necessary expenses of the schools under their charge ;

And the Council of the City, Town or Village shall provide such sums in the manner desired by the said Public School Board ; 37 V. c. 28, s. 86 (11). Council required to provide necessary funds.

(5) *Collection and Management of School Moneys.*

11. To appoint a fit and proper person to collect the rate-bills or school fees chargeable by them upon the inhabitants of their Municipality or division, or upon those who are non-resident, or the sums which the said inhabitants have subscribed ; Appointment and duty of school collector. 37 V. c. 28, s. 86 (12).

12. To pay such collector, at the rate of not less than five nor more than ten per centum on the moneys collected by him ; Payment.

Collector to  
give security.

(a) Every such collector shall give security satisfactory to the trustees.

Collector's  
powers.

(b) Such collectors shall have the same powers by virtue of a warrant, signed by a majority of the trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary Collectors of County and Township rates and assessments.

Moneys to be  
subject to the  
order of the  
Board.

(c) All moneys thus collected shall be paid into the hands of the Treasurer of the City, Town, Village or School division, or of the treasurer or secretary-treasurer of the Board, for the Public School purposes of the same, subject to the order of the Board. 37 V. c. 28, s. 86 (13).

Treasurer.

13. To appoint, at their discretion, some fit and proper person, to be treasurer or secretary-treasurer to the corporation, who shall give such security as may be required by a majority of the trustees,

(a) For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the corporation,

Trustees may  
collect fees  
from parents.

(b) And for the receiving and accounting for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of the Municipality or from non-residents,

(c) And for the disbursing of such moneys in the manner directed by the majority of the trustees. 37 V. c. 28, s. 86 (14).

Trustees to  
give orders for  
sums due to  
creditors.

14. To give orders to other school officers and creditors for the sums due to them, on the Treasurer of the City, Town, or Village, or on their own treasurer or secretary-treasurer; 37 V. c. 28, s. 86 (16).

#### (6) *Teachers' Salaries.*

Trustees' and  
Inspector's  
orders to  
teachers.

15. To give, with the School Inspector, orders to duly qualified teachers, assistants, or monitors, on the Treasurer of the Municipality, for the salaries due to them; 37 V. c. 28, s. 86 (15).

Teachers en-  
titled to  
holidays and  
vacations.

16. To provide for the payment of the salary of the masters and teachers for the authorized holidays occurring during the period of their engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which they have served, or of the term of their agreement with such trustees; and also for salary during sickness as certified by a medical man for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees; 37 V. c. 28, s. 86 (24), 87 (4).



(7) *Pupils.*

17. To admit to their school, on the payment in advance of a school fee not exceeding fifty cents per pupil per calendar month, any non-resident pupils who reside nearer to such school than to the school of their own section or division ; Admit non-resident pupils

(a) In case of dispute as to the distance from the school, the Inspector shall decide. 37 V. c. 28, s. 86 (22) & s. 145.

(8) *Providing Accomodation.*

18. To provide adequate accommodation for all children of school age in the Municipality ; 37 V. c. 28, s. 86 (20). Adequate accommodation.

(9) *Text and Library Books.*

19. To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books ; 37 V. c. 28, s. 86 (18). To see that authorized books are used,

20. To appoint a librarian to take charge of the school library or libraries ; 37 V. c. 28, s. 86 (19). Appoint Librarian.

(10) *Inspectors.*

21. To appoint from time to time, from among those holding the necessary certificates of qualification, one person to be Inspector of Public Schools in the City or Town ; 37 V. c. 28, s. 88, (1). City and town inspector.

(a) The Inspector appointed shall possess all the powers, and be subject to all the obligations enumerated in the one hundred and ninety-fourth section of this Act. 37 V. c. 28, s. 88 (1 a). Powers.

(b) Any vacancy caused by dismissal, death or resignation, shall be filled by the Board by the appointment of some legally qualified person. 37 V. c. 28, s. 88 (1 c). Vacancies.

22. To provide for the payment to the Inspector of such City or Town of a sum at the rate of five dollars per day while he is engaged in the examination of pupils for admission to the High School or Collegiate Institute ; 37 V. c. 28, s. 88 (2). Pay inspector as examiner.

(11) *Expenses of Examination for Admission to High Schools.*

23. To provide for the payment of the contingent expenses of the examination for the admission of pupils to the High School or Collegiate Institute. 37 V. c. 28, s. 88 (3). Pay contingent expenses.

(12) *Miscellaneous.*

To see that regulations are observed.

24. To see that all the schools under their charge are conducted according to the authorized regulations; 37 V. c. 28, s. 86 (21).

Provide registers.

25. To provide, at the expense of the school, general admission and daily class registers, in the prescribed form; 37 V. c. 28, s. 86 (23).

Trustees to give notice of annual and special meetings.

26. To call and give notice of annual and special school meetings of the assessed freeholders, householders, and tenants of the City, Town, or Village, or of any ward therein, for filling up vacancies in the school trustee corporation, or for any other purpose, in the manner and under the regulations prescribed by this Act; 37 V. c. 28, s. 86 (17).

Annual report for City, &c.

27. To prepare and publish, at the end of every year, in one or more of the public newspapers, or otherwise, for the information of the inhabitants of the City, Town or Village, an annual report of their proceedings, of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys; 37 V. c. 28, s. 86 (25).

To prepare annual report for Minister.

28. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form provided by him, a report signed by a majority of the trustees, containing all the items of information which may be required therein; 37 V. c. 28, s. 86 (26).

## (B) POWERS.

**105.** Every Public School Board in a City, Town, incorporated Village or school division, shall have authority,

To appoint a committee for each school.

1. To appoint annually or oftener, if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the City, Town, or Village; 37 V. c. 28, s. 87 (1).

Trustees may collect a fee from parents.

2. To collect at their discretion from the parents or guardians of children attending any Public School under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies; 37 V. c. 28, s. 87 (2); 141 (b).

Non-resident pupils to be admitted on payment of fee.

3. To admit non-resident pupils to their school, on payment of reasonable fees or rate-bill not exceeding fifty cents per calendar month per pupil, payable in advance; 37 V. c. 28 s. 87, (3).

(a) The Board is required to admit all non-resident pupils to their school who reside nearer to such school than to the school in their own section. 37 V. c. 28, s. 87 (3 a) & s. 145.

(b) In case of dispute as to the distance, the Inspector shall decide, and the trustees shall then admit said non-resident pupils. 37 V. c. 28, s. 87 (3 b) & s. 145. *See also* s. 104 (17) *of this Act*.

4. To supplement out of local funds, at their pleasure, the Pensions, pension granted by the Education Department to a Public School teacher; 37 V. c. 28, s. 87 (5).

5. To invest, as they may see fit, any surplus moneys for educational purposes, as provided in the ninety-third section of this Act; 37 V. c. 28, s. 87 (7).

6. To exercise as far as they judge expedient, in regard to their City, Town or Village, all the powers vested in the trustees of each rural school section in regard to such section. 37 V. c. 28, s. 87 (8).

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## PART VII.

### DUTIES AND POWERS OF MUNICIPAL AND SCHOOL OFFICERS.

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#### I. DUTIES OF MUNICIPAL OFFICERS.

##### (1) *Township Assessors.*

**106.** Wherever the land or property of any individual or company is situated within the limits of two or more school sections, each Assessor appointed by any Municipality, shall assess and return on his roll, separately, the parts of such land or property, according to the divisions of the school sections within the limits of which such land or property is situate. 37 V. c. 28, s. 58.

Assessors to value lands situated in each section.

2. Every undivided occupied lot, or part of a lot, shall only be liable to be assessed for school purposes in the school section where the occupant resides. 37 V. c. 28, s. 58 (a).

Undivided lot.

**107.** Any Township officer, having possession of the Assessor's or Collector's roll is hereby required to allow any one of the trustees, or their authorized collector, to make a copy of such roll, as far as it relates to their school section. 37 V. c. 28, s. 59.

Township roll to be furnished to the trustees.

(2) *Township Clerks.***108.** It shall be the duty of every Township Clerk,

Township Clerk to prepare maps of school sections

1. To prepare in duplicate, a school map of the Township shewing the divisions of the Township into school sections and parts of union school sections;

Information to County Clerk.

2. To furnish one copy of such map to the County Clerk, for the use of the County Council, and retain the other in the Township Clerk's office, for the use of the Township corporation;

To school Inspectors.

3. To furnish the County Inspector with the information required by the fourth clause of the seventy-eighth section of this Act;

To County Treasurer.

4. To make a return to the County Treasurer of any parcel of land liable to assessment, and of the uncollected school rates thereon, as returned to him by the rural school trustees of any section, as provided by this Act;

To County Clerk.

5. To make within one week after the first day of March, under a penalty of twenty dollars in case of default, returns to the Clerk of his County, of the total expenditure of the Township on account of schools and education, including the information given to him by rural school trustees, as required by the sixteenth clause of the one hundred and second section of this Act;

To rural school trustees.

6. To allow any one of the rural school trustees, or their authorized collector, to make a copy (so far as it relates to their section) of the Township Assessor's or Collector's roll, if he has possession of such roll;

Notice of school meeting.

7. To give notice to the person appointed by the Council to call the first school meeting in a new or united section, as provided in the third clause of the seventy-eighth section of this Act;

Notice of alteration of boundaries.

8. To send forthwith (after a by-law has been passed by the Township Council, altering the boundaries of a school section), a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector. 37 V. c. 28, s. 60 & 155 (a); 39 V. c. 7, *Sched. B* (17).

(3) *Collectors.*

County rate to be collected by 14th December.

**109.** The sum annually required to be levied in each County, for the salaries of legally qualified teachers, shall be collected and paid into the hands of the County Treasurer, on or before the fourteenth day of December, in each year. 37 V. c. 28, s. 64.



(4) *County Treasurer.***110.** It shall be the duty of every County Treasurer—

County Treasurer's duties.

1. To pay out of the school assessment of the County into the hands of the Treasurers of the respective Towns, Villages and Townships within the County, the proportionate assessment levied in their respective Municipalities; and for all school purposes the last named Treasurers shall be considered sub-Treasurers of the County Treasurer; 37 V. c. 28, s. 65 (1); 40 V. c. 16, s. 14 (2).

Pay school assessment to Township, &amp;c., Treasurer.

(a) Notwithstanding the non-payment to the County Treasurer by the fourteenth day of December of the school assessment levied in the County, no teacher shall be refused the payment by the County Treasurer or sub-Treasurer of the sum to which on the Inspector's order he may be entitled from such year's County school assessment. 37 V. c. 28, s. 65 (2 a).

Teachers' salaries to be paid though assessment not paid to County Treasurer.

2. To pay over to the order of the Public School Board of any school division (consisting of a Town or incorporated Village and part or parts of an adjoining Township or Townships) any portion of a County assessment for school purposes which may be raised within such school division; 37 V. c. 38, s. 65 (3).

Pay to school division county assessment.

3. To pay over to the order of the Public School Board of any Town not separated from the County, a sum of money equal to the amount collected within such Town for the payment of salary of the County Inspector; 37 V. c. 28, s. 65 (4).

Pay Inspector's salary raised in towns not separated.

4. To pay at the end of every half-year, to the order of the County Inspector, the amount of money which is in his hands, being money which such Inspector has deducted from the salaries of male teachers for the superannuated teachers' fund for such half-year, or which is due and payable by any male teacher to the fund; 37 V. c. 28, ss. 65 (5), 102, 112 (5a, 34).

Pay superannuation money

5. It shall be the duty of the Treasurer of every minor Municipality to pay out of the moneys received by him for school purposes, the lawful orders of the Inspectors from time to time, in favour of any Public School Teacher, assistant or monitor, as directed by such order. 40 V. c. 16, s. 15.

Treasurers to pay orders of Inspectors.

(5) *Sub-Treasurers.*

**111.** Every sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any County Inspector (within the parts of the County for which he is appointed sub-Treasurer), as are imposed by this Act upon every County Treasurer, in respect to the paying and accounting for school moneys. 37 V. c. 28, s. 62 (3a).

Sub-treasurer's duties, &amp;c.

(6) *County Clerk.***112.** It shall be the duty of every County Clerk—

Clerk to report appointments and proceedings to Minister.

1. To notify the Minister of Education of the appointment and address of every County Inspector and of the County Treasurer ;

2. To furnish the Minister with a copy of all proceedings of the Council relating to school assessments and other educational matters ;

Clerk to transmit audited accounts to Minister.

3. To transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors ;

4. To give any explanation, as far as he is able, relating to the auditors' report which may be required by the Minister. 37 V. c. 28, s. 66.

## II. DUTIES OF SCHOOL OFFICERS :

(1) *Rural School Collector.*

Powers of rural school collector.

**113.** Each rural school collector, by virtue of a warrant signed by a majority of the trustees, shall have the same powers in collecting the school rate, rate-bill or subscriptions, shall be under the same liabilities and obligations, and shall proceed in the same manner in his school section and Township, as a Township Collector does in his Municipality, in collecting rates in a Township or County, as provided in the Municipal Institutions and Assessment Acts from time to time in force. 37 V. c. 28, s. 29.

(2) *Rural School Section Auditors.*

Annual appointment of auditors of school section accounts.

**114.** In order that there may be accuracy and satisfaction in regard to the school accounts of school sections, there shall be two auditors of school accounts for every section. 37 V. c. 28, s. 30 (1).

Time of audit.

**115.** The auditors appointed, or either of them, shall, on or after the first day of December in each year, forthwith appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 37 V. c. 28, s. 30 (2).

Trustees to submit their school accounts to the auditors.

**116.** It shall be the duty of the trustees, or their secretary-treasurer to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts, books, &c., in their possession. 37 V. c. 28, s. 30 (3).

**117.** Such trustees or their secretary-treasurer, shall afford to the auditors or either of them, all the information in their power as to their receipts and expenditures of school moneys in behalf of their school section. 37 V. c. 28, s. 30 (4). Trustees to give information to auditors.

**118.** It shall be the duty of the auditors of every school section :— Powers and duties of school section auditors.

1. To examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have truly accounted for and expended for school purposes the moneys received by them ;

2. To submit the said accounts, with a full report thereon, at the next annual school meeting.

3. If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to such meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final.

4. The auditors shall remain in office until their audit is completed.

5. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector. 37 V. c. 28, s. 31. Difference of opinion.

**119.** It shall be competent for the auditors, or either of them— Power of auditors to examine parties and witnesses.

1. To require the attendance of all or any of the parties interested in the accounts, and of their witnesses, with all such books, papers, and writings, as such auditor or auditors may direct them or either of them to produce ;

2. To administer oaths to such parties and witnesses ; Oaths.

3. To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ; Warrant of auditor equivalent to execution of Division Court.

4. To report the result of their or his examination of the accounts of the year to the annual school meeting next after their or his appointment, when the annual report of the trustees, signed by the trustees and auditors, shall be presented to such meeting. 37 V. c. 28, ss. 32 & 178 (a). Auditors to present report to annual school meeting.

## PART VIII.

*SPECIAL PROVISIONS.*

## I. RESPECTING SCHOOL SITES.

*(1) Selecting School Sites in Rural Sections.*

New school site to be authorized by special meeting.

**120.** No steps shall be taken by the trustees of any school section for procuring a school site on which to erect a new school house, without calling a special meeting of the assessed freeholders and householders of their section to consider the matter, and no change in the site of a school house shall be made without the consent of the majority of such special meeting. 37 V. c. 28, s. 33; 40 V. c. 16, s. 5 (*part*).

Differences between trustees and people to be referred to arbitration.

**121.** In case any change is determined upon and a difference arises as to the selection of a new site for the school house between a majority of the trustees and a majority of the assessed freeholders and householders at such special meeting, each party shall choose an arbitrator, and the County Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. 37 V. c. 28, s. 34; 40 V. c. 18, s. 5 (*part*).

Award.

Reconsideration of award.

**122.** With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned, for at least one year from the date thereof. 37 V. c. 28, s. 34 (*a.*)

*(2) Acquisition of land for School Site in Rural Sections.*

Land for school site selected, how procured.

**123.** On the selection of land, as authorized by this Act, for a rural school site, on which to erect a school house and necessary buildings, or for enlarging existing school premises, if the owner of such land refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, the proprietor of such land, and the trustees, shall each forthwith select an arbitrator.

**2.** The arbitrators thus chosen, together with the County Inspector, or any two of them, shall appraise the damages to the owner of such land.



3. Upon the tender of payment of the amount of such damages to the owner by the school trustees, the land shall be taken and used for the purpose aforesaid.

4. Nothing herein contained, shall authorize the selection in a Township of a site within a hundred yards of a garden, orchard, pleasure ground, or dwelling house of the owner of such site, without the consent of such owner.

5. Nothing in this section shall be held to restrict trustees in the enlargement of a school site, existing at the passing of this Act, to the required dimensions.

6. No such enlargement shall be made in the direction of the orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged; nor shall it, without the consent of such owner, include any part of his garden, or the grounds attached to his dwelling house.

7. Any award for a school site made and published under this section, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office on the affidavit of one of the trustees verifying the same. 37 V. c. 28, s. 35.

(3) *Arbitrations in Rural Sections.*

**124.** If the majority of the school trustees, or the majority of a Public School meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in the one hundred and twenty-first section of this Act, or if the owner of land selected as a school site, as provided by the one hundred and twenty-third section of this Act, neglects or refuses to appoint an arbitrator, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter; and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree. 37 V. c. 28, s. 36.

**125.** If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. 37 V. c. 28, s. 37.

Appointment  
of school site  
Arbitrators.—  
Their powers.

Proceedings  
where an  
arbitrator is  
absent.

(4) *In Cities, Towns and Villages.*

- School sites. **126.** Every Public School Board in a City Town, incorporated village or school division, shall have authority to select land for a school site on which to erect a school house or school houses and necessary buildings, or for enlarging school premises already held.
- School site selected, how acquired. 2. If the owner of such land refuses to sell the same, or demands therefor a price deemed unreasonable by the Board, the proprietor of such land and the Board shall each forthwith select an arbitrator.
- Arbitrator. 3. The arbitrators thus chosen and the County Inspector, or any two of them, or the trustees' arbitrator and the Inspector (in case the owner neglects or refuses to appoint an arbitrator), shall appraise the damages to the owner of such land.
- Tender of damages. 4. Upon the tender of payment by the Board of the amount of such damages to the owner, the land shall be taken and used for the purpose aforesaid.
- Exception. 5. Vacant land only shall be taken in such City, Town or village for a school site without the consent of the owner or owners.
- Parties unknown. 6. Lands in the hands of parties unknown or under disability, shall be taken as provided in the one hundred and twenty-eighth and five following sections of this Act.
- Registration of award. 7. In case no deed of the site can be obtained, the award of the arbitrators shall, on the affidavit of one trustee, be registered in the Registry Office. 37 V. c. 28, s. 87 (9).

(5) *Allowance to Arbitrators.*

- Special allowance to school arbitrators. **127.** Arbitrators appointed under the authority of this Act shall be entitled to the same remuneration per diem for the time thus employed as are members of the Municipal Council of their County for their time and attendance at Council meetings. 37 V. c. 28, s. 147.
2. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators and School Inspectors respectively. 37 V. c. 28, s. 147 (a).

(6) *Titles to School Sites and other Property.*

- Who may convey school sites. **128.** All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they

represent, whether infants, issue unborn, lunatics, idiots, females, or other persons, seised, possessed of or interested in any land may contract for, sell and convey all or part thereof to school trustees for a school site, or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. 37 V. c. 28, s. 38 (1).

**129.** If the owner of land duly selected for the said purpose is absent from the County in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land, and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the County in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the County, and that after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the County; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. 37 V. c. 28, s. 38 (2).

Remedy in case of absence of owner.

**130.** The said notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. 37 V. c. 28, s. 38 (3.)

What notice shall contain.

Arbitrators.

**131.** If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 37 V. c. 28, s. 38, (4).

Judge may appoint one.

**132.** Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to or incumbrance upon the same or any portion thereof, shall, as against the trustees, be converted into claim to the compensation, or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not

Responsibility of trustees as to compensation.

entitled to receive the same, saving always their recourse against such party. 37 V. c. 28, s. 38 (5).

In case of  
incumbrance.

**133.** If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the County Treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office on an affidavit of one of the trustees verifying the same. 37 V. c. 28, s. 38 (6).

Deposit of  
compensation  
money.

Award to be  
registered.

## II. FORMATION AND DISSOLUTION OF UNION SCHOOL SECTIONS COMPOSED OF PARTS OF TWO OR MORE MUNICIPALITIES.

### *Unions formed before 2nd March, 1877.*

Unions exist-  
ing 2nd March,  
1877, con-  
firmed.

**134.** All school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and all unions of school sections comprised of parts of the same or different Municipalities which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed as having been legally formed, and such unions shall continue to exist, subject, however, to the provisions of this Act so far as applicable, as if they had been formed thereunder; and in cases where any union has heretofore been adjudged by any Court or Judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the Court or Judge may award. 40 V. c. 16, s. 11 (4).

In unions ex-  
isting on 2nd  
March, 1877,  
assessment to  
be equalized.

**135.** It shall be the duty of the Mayor, Reeve, or Deputy-Reeve of the Municipality concerned, and of the County Inspector, annually to equalize the assessment of every union school section, or division existing on the said second day of March, one thousand eight hundred and seventy-seven. 37 V. c. 28, s. 53.

Elections of  
trustees.  
Inspection and  
taxation in  
union school  
sections and  
divisions exist-  
ing on 2nd  
March, 1877.

**136.** In the case of union school sections existing on the second day of March, one thousand eight hundred seventy-seven, and composed of portions of adjoining Townships or portions of a Township or Townships, and a Town or incorporated Village, every such union school section shall, for the purposes of the election of trustees, be deemed one school section or divi-



sion, and shall be considered in respect to inspection and taxation for school purposes as belonging to the Township, Town or Village in which the school house is situated. 37 V.c.28, s. 51.

*Unions after 2nd March, 1877.*

**137.** Since the second day of March, 1877, a union school section might and, after this Act takes effect, may, be formed between (1) parts of two or more adjoining Townships, and (2) part of one or more Townships and an adjoining Town or incorporated Village, after authority has been given by by-law of the Council of each Municipality affected.

Unions between parts of two or more townships and of part of a township with a union or village.

2. Such union shall not take effect until the first day of the month of January, which will be at least three months after the passing of such by-laws respectively.

3. Such by-laws shall be passed upon and according to the report of competent persons, one of whom not being a member of the Council, shall be appointed by each Municipality concerned, and such persons with the Inspector or Inspectors having jurisdiction in the respective Municipalities or the majority of them shall report upon the expediency of such union, the location of the school-house, or any change in the site thereof, and the proportion in which the part in each Municipality is to be liable to contribute towards the erection and maintenance of the school, and other requisite expenses, and for what period of years, with provisions for the renewal thereof.

4. The contribution of each part shall be levied therein in each year, according to the assessed value of the property of each rate-payer therein, and not upon any assessed equalization of the assessment in the parts to be united.

5. In cases where the persons to make the said report would be an even number, the Senior County Court Judge shall be added. 40 V. c. 16, s. 11 (1).

**138.** On the formation or alteration of a union school section or division, under the authority of this Act, it shall be the duty of the County Inspector concerned, forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the Clerk of the Municipality affected by the resolution. 37 V. c. 28, s. 52.

Formation and alteration of union sections after 2nd March, 1877. — Inspector's duty.

**139.** In the case of unions formed after the second day of March, 1877, the union of parts of two or more Townships shall be deemed one school section, and as belonging to the Township in which the school-house is situated, and the provisions of this Act respecting rural school sections shall apply thereto; and, in like manner, the union of part of one or more Townships with a Town or incorporated Village shall be deemed one school district or division, and as belonging to such Town or Village, and the provisions of this Act respecting Public Schools

Union of parts of townships to be one school section.

Union of parts of townships with town or village.

in Towns or Villages shall apply thereto; and such part of the Township for the election of the trustees, inspection, taxation, and other school purposes, shall be deemed to be united to such Town or Village. 40 V. c. 16, s. 11 (2).

Power to  
alter bound-  
aries.

**140.** The boundaries of a union school section may be altered or dissolved by the Council of either Municipality in which part of the union is comprised, in case the same is petitioned for by a majority of the assessed freeholders and householders of such part; and in case there is any disagreement as to the terms of such alteration or dissolution, the same shall be determined by the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned and one competent person, to be chosen by the Council of each Municipality or the majority of them, but no dissolution shall take effect until the first day of the month of January, which will be at least three months after the passing of the by-law in that behalf. In case where the persons so to be appointed would make an even number, the Senior County Court Judge shall be added, and the determination of the majority of them shall be final. 40 V. c. 16, s. 11 (3).

Share of school  
fund not  
affected.

**141.** The several parts of any altered or united school sections shall have respectively the same right to a share of the Public School Fund for the year of the alteration or union, as if they had not been altered or united. 37 V. c. 28, s. 55.

### III. TOWNSHIP BOARDS.

Establishment  
of township  
boards.

**142.** At the annual meeting in any year of the school sections in a Township, the question of forming a Township Board may be submitted in each section for the decision of the meeting, and whenever in any Township at any such annual meeting two-thirds in number of the school sections so decide, the Council of such Township shall thereupon pass a by-law to abolish the division of the Township into school sections, and to establish a Public School Board accordingly; and this shall take effect on the first day of January in the next following year, and it shall not be necessary that any portion of the Township which forms a union with another Municipality or portion thereof shall be considered in respect of the said requisite number of two-thirds of the school sections of the Township. 40 V. c. 16, s. 6 (1).

Division of  
township into  
wards.

**143.** The Township Council shall in the by-law for establishing the Public School Board divide the Township into four wards which shall be the same from time to time as the wards for municipal purposes, when such exist in any Township. 40 V. c. 16, s. 6 (2). *See also Rev. Stat. c. 174, s. 91.*

Management  
by board.

**144.** After the by-law goes into effect, all the Public Schools of the Township shall be managed by one Board of Trustees. 40 V. c. 16, s. 6 (3).

**145.** At the first and every subsequent election, two fit and proper persons, resident in the Township, and possessing the same qualifications as are prescribed for Municipal Councillors of the Township, shall be elected school trustees in and for each ward by a majority of the votes of the resident assessed freeholders, householders and tenants thereof; one of such trustees (to be determined by lot at the first meeting of the trustees after their election), shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire. 40 V. c. 16, s. 6 (4).

Qualifications  
of members.

**146.** Such election shall take place annually on the second Wednesday in January of every year, at the time, in the manner, and as prescribed by this Act, for the election of trustees in Towns divided into wards. 40 V. c. 16, s. 6 (5).

Time and  
manner of  
election.

**147.** The Trustees so elected shall be a corporation under the name of "The Public School Board of the Township of \_\_\_\_\_ in the County of \_\_\_\_\_" and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, and in any other statute, by-law, regulation, deed, proceeding, matter, or thing shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the Township. 40 V. c. 16, s. 6 (6).

Powers of  
Board.

**148.** After the Public School Board is established, the portions of the Township theretofore united with an adjoining Municipality, or a portion thereof, shall cease to be so united, on the first day of January next following the passing of the by-law for establishing the Township Board, and in the intervening period between the passing of the said by-law and such first day of January a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the Township in any former union shall remain liable for any rate such portion was subject to while so united for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, one thousand eight hundred and seventy-seven, are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of the Acts in force at the time of their formation. 40 V. c. 16, s. 6 (7).

Effect as to  
parts united.

**149.** The Township Council shall, so soon as the by-law for establishing the Public School Board is passed appoint the County Inspector jointly with two other competent persons, not residents of the Township, and they, or any two of them,

Adjustment of  
all claims consequent on  
Board being  
established.

shall in a report to the Council, value the existing school-houses, school-sites, and other school property in each and every section, or portions of the Township, and ascertain their respective debts and liabilities; and the said valuers, or any two of them, shall thereupon adjust and settle in such manner as they may deem just and equitable the respective rights, claims and demands of each and every school section or portion of the Township and the Township Council shall pass a by-law, and give full effect to the report of said valuers. 40 V. c. 16, s. 6 (8).

Adjustment of  
claims in cases  
of parts becom-  
ing disunited.

**150.** In cases where a portion of the Township Municipality, on the establishment of the Public School Board, ceases to be united with any other Municipality, or portion thereof, the Council of each such Municipality shall respectively appoint one competent person, who, with the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, shall in a report to the Councils of the respective Municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such Municipalities, and determine by what Municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where the persons to make this report would be an even number, the County Judge shall also be added. 40 V. c. 16, s. 6 (9).

Repeal of by-  
law, and for  
re-forming  
sections.

**151.** In case twenty resident, assessed freeholders, householders or tenants, in more than one-half of the school wards of the Township, petition the Township Council to submit a by-law to the vote of assessed freeholders, householders and tenants of the Township for the repeal of the by-law under which the Public School Board was established, but not until after the Township Board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with the Municipal Institutions Act except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the Township Council shall pass a by-law to disestablish such Public School Board, and form school sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose, and the Council shall also, in the same or another by-law, appoint the County Inspector jointly with two other competent persons, not residents of the Township, and they or any two of them shall, in a report to the Council, value the school-houses, school sites and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the



respective school sections, or between any school section and the Township, and all payments to be made by or to any of them. 40 V. c. 16, s. 6 (10).

**152.** In Townships where Public School Boards have already been formed, the same shall continue as they now are in all respects until the first day of January, one thousand eight hundred and seventy-eight, when the provisions of this Act shall also apply to them as if established under this Act, and the Township Council of each such Township shall, three months at least before the said first day of January, pass the requisite by-law for dividing the Township into wards for school purposes, if there are none such for municipal purposes. 40 V. c. 16, s. 6 (11).

Application of this Act to Boards now existing.

#### IV. UNIONS OF HIGH AND PUBLIC SCHOOLS.

(See also *Rev. Stat. c. 205, ss. 13-17.*)

**153.** All existing unions of High Schools (or Collegiate Institutes) and Public School Trustee Corporations are hereby continued, and all the members of both corporations shall constitute a joint Board, and shall, as long as the union exists, be a Corporation, under the name of "*The Board of Education for the City (Town, or Incorporated Village of* or *School Section, No.* in the Township of , as the case may be). 37 V. c. 28, s. 151.

Existing unions of High and Public Schools.

Name.

**154.** Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the trustees of both the Public and High Schools. 37 V. c. 28, s. 151 (a).

Power.

**155.** The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose. 37 V. c. 28, s. 151 (c).

Union may be dissolved.

**156.** On the dissolution of such union, the school property held or possessed by the Board of Education at the time, shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School trustees, and of the High School (or Collegiate Institute) trustees respectively, present at meetings called for that purpose. 37 V. c. 28, s. 151 (d).

Disposition of school property.

**157.** If the trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated. 37 V. c. 28, s. 151 (e).

Failure of trustees to settle disposition.

**158.** If the High School is situated in a school section or unincorporated Village, the division (in case of failure to agree

By whom made.

as aforesaid) shall be made by the County Council. 37 V. c. 28, s. 151 (*f*).

No future union.

**159.** No union of a Public School, or department thereof, with a High School or Collegiate Institute, shall hereafter be made. 37 V. c. 28, s. 151 (*g*), & s. 26 (10).

#### V. RESPECTING NON-RESIDENTS.

A resident in one section sending his children to another section.

**160.** Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section or division in which he resides, as if he sent his child or children to the school of such section or division.

2 A non-resident child or children shall not be returned as attending any other than the school of the section or division in which the parents or guardians of the child or children reside.

Exception as to separate schools.

3 This section shall not apply to persons sending children to or supporting Separate Schools.

Exception as to non-resident rate-payers.

4 Nor shall this section prevent any person who may be taxed for Public School purposes on property situate in a different school section or division from that in which he resides, from sending his children to the school of the section or division in which the property is situate, on as favourable terms as if he resided in such section or division. 37 V. c. 28, s. 146.

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### PART IX.

#### *PUBLIC SCHOOL TEACHERS.*

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##### I. AGREEMENTS.

Valid agreements with teacher.

**161.** All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees.

2 Such agreements may lawfully include any stipulation to provide the teacher with board and lodging.

3 Such agreements shall be authorized, as provided in the case of other acts of the school corporation by the ninety-seventh to ninety-ninth sections inclusive of this Act. 37 V. c. 28, s. 148.

## II. QUALIFIED TEACHER DEFINED.

**162.** No male or female teacher, assistant, or monitor of a public school, shall be deemed legally qualified, who does not at the time of his or her engaging with the trustees, and during the period of the engagement with the trustees, hold a certificate of qualification, as provided by law. 37 V. c. 28, s. 90.

Qualified teacher defined.

## III. SPECIFIC DUTIES OF TEACHERS.

**163.** It shall be the duty of every teacher of a Public School,

Duties of Public School teacher.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and *The Act respecting the Education Department* and the authorized regulations under it;

To teach according to law and regulations.  
Rev. Stat. c. 203.

2. To keep in the prescribed form the general, entrance, and the daily class, or other Registers of the school and to record therein the admission, promotion, removal, or otherwise of the pupils of his school;

To keep the register of the school.

3. To maintain proper order and discipline in his school according to the authorized forms and regulations;

To maintain proper order and discipline.

4. To keep a Visitors' Book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit;

To keep a visitors' book.

5. To give the trustees and visitors access at all times, when desired by them, to the Registers and Visitors' Book appertaining to the school;

To give access to register and visitors' book.

6. To deliver up any school Registers, Visitors' Book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustee corporation employing him;

Deliver up registers and key.

(a) He shall not wilfully refuse so to do, and in case of such wilful refusal, he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. *See also sec. 243.*

In case of refusal.

7. To have at the end of every quarter a public examination of his school, of which he shall give due notice to the trustees

To hold public quarterly examinations.

of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians ;

To furnish information to the Minister and Inspector.

8. To furnish to the Minister of Education, or to the School Inspector, in the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. 37 V. c. 28, s. 92 ; 40 V. c. 16, s. 3 (8).

#### IV. PROTECTION IN REGARD TO SALARY.

Protection of teachers in regard to salary.

**164.** Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him.

2. This section shall only apply where the teacher prosecutes his claim for salary within three months after it is due and payable by the trustees. 37 V. c. 28, s. 93.

Provision in case of difference between teacher and trustees.

**165.** All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each County.

Rev. Stat. c. 203, ss. 7-17.

2. The decision of any County Judge in all such cases may be appealed from, as provided by *The Act respecting the Education Department*.

Issue of execution.

3 In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. 37 V. c. 28, s. 94.

#### V. SUPERANNUATION OF TEACHERS.

Annual payments by male teachers to Superannuated Teachers' Fund.

**166.** Every male teacher of a Public School holding a certificate of qualification under the School Acts shall pay into the Fund for the support of superannuated school teachers, through the Public School Inspector, the sum of at least four dollars annually in half-yearly sums. 37 V. c. 28, s. 95.

Female teachers and Inspectors.

**167.** Every female teacher holding a like certificate, and every legally qualified master or teacher of a High School, and the Inspectors of Public and High Schools, may also, while engaged



in teaching or inspecting, pay into the Fund a like or larger sum annually, and they shall respectively be entitled to the superannuation or other allowances to Public School teachers under and subject to the provisions of this Act. 37 V. c. 28, s. 95 (a); 40 V. c. 16, s. 3 (9).

**168.** Any teacher retiring from the profession shall be entitled to receive back from the Minister of Education one half of any sums paid in by him or her to the Fund, through the Public School Inspector, or otherwise. 37 V. c. 28, s. 96.

Teachers retiring to be paid back.

**169.** On the decease of any teacher, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher, with interest at the rate of seven per centum per annum. 37 V. c. 28, s. 96 (a).

Repayment to wife, &c., of deceased teacher.

**170.** Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund, as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School teacher in Ontario. 37 V. c. 28, ss. 97, 101 (a) (b).

Right of teachers to retire.

Pension on reaching 60 years of age.

Condition of pension.

2. Such pension may be supplemented out of local funds by any Municipal Council, Public School Board or Board of Education at its pleasure. 37 V. c. 28, s. 97 (a), & s. 151, (b).

Supplementary pension.

**171.** Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. 37 V. c. 28, s. 98.

Teachers under 60.

**172.** Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or who is an authorized Head Master of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. 37 V. c. 28, s. 98 (a).

\$1 per annum extra to certain teachers.

**173.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at

Proviso in regard to

good moral character.

any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Education Department. 37 V. c. 28, s. 99.

Teacher resuming profession.

**174.** If any pensioned teacher shall, with the consent of the Education Department, resume the profession of teaching, the payment of his allowance shall be suspended from the time of his being so engaged. 37 V. c. 28, s. 100.

Again retiring

**175.** In case of his again being placed by the Education Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the prescribed regulations. 37 V. c. 28, c. 100 (*a*)

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## PART X.

### *INSPECTORS OF PUBLIC SCHOOLS.*

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#### I. QUALIFICATIONS OF INSPECTORS.

Qualifications of Inspectors.

**176.** The qualifications of County, City and Town Inspectors shall, from time to time, be prescribed by the Education Department, which shall determine the time and manner of examination of candidates for certificates of qualification as Inspectors, and grant such certificates. 37 V. c. 28, s. 103.

Qualification of Inspectors.

**177.** No person shall be eligible to be appointed an Inspector who does not hold a legal certificate of qualification as required by the one hundred and seventy-sixth section of this Act. 37 V. c. 28, s. 105 (*d*).

#### II. APPOINTMENT AND REMOVAL OF INSPECTORS.

Appointment of Inspectors.

**178.** Each County Inspector of Public Schools shall be appointed by the County Council, and every City or Town Inspector shall be appointed, by the Public School Board of the City or town. 37 V. c. 28 s. 105.

Lieut.-Governor to form remote Districts for inspection.

**179.** The Lieutenant-Governor in Council may constitute any number of Municipalities or other portions of territory, in the rear or remote parts of Counties, and in Judicial or Territorial Districts, to be a district or districts for the purposes of school inspection under this Act, upon such terms, and subject to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the County or Provisional Council con-

cerned, shall provide their proportionate share of the salary of the Inspector, and also of his travelling expenses. 40 V. c. 16, s. 12 (2)

**180.** Any County, City, or Town Inspector shall be subject to dismissal by a majority of the members of the Council or Board appointing him in case of misconduct or inefficiency, or by a vote of two-thirds of such Council or Board without such cause. 37 V. c. 28, ss. 62 (7), 88 (1 b), 105 (a). Conditions of dismissal of Inspector.

**181.** County Inspectors shall be subject to dismissal by the Lieutenant-Governor for misconduct or inefficiency. 37 V. c. 28, s. 105 (b). Dismissal by Lieutenant-Governor.

**182.** No dismissed Inspector shall be re-appointed without the concurrence of the party who has dismissed him. 37 V. c. 28, ss. 61 (3 a), 88 (1 c), 105 (c). Reappointment of dismissed Inspector.

**183.** The Public School Board of any Town not separated from the County may with the approval of the Education Department and subject to its General Regulations, place the schools of such Town under the jurisdiction of a County Inspector, in which case the Inspector shall be entitled to the like salary and remuneration as he receives for rural schools. 40 V. c. 16, s. 12 (1). Towns may place schools under County Inspector.

### III. REMUNERATION OF INSPECTORS.

#### (1) *Salary.*

**184.** The remuneration of each City and Town Inspector shall be determined and provided for by the Board appointing him. 37 V. c. 28, s. 88 (1 d). Remuneration of City and Town Inspectors.

**185.** The County remuneration of a County Inspector shall not be less than five dollars per school per annum, to be paid quarterly by the County Council. 37 V. c. 28, ss. 61 (2 e), 63, 106. Salary and remuneration of County Inspectors.

**186.** The County Council shall have authority to determine and provide for the travelling expenses of the County Inspector. 37 V. c. 26, ss. 63 (a), 106 (1 a). Travelling expenses.

#### (2) *Additional Allowance to County Inspectors.*

**187.** It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue Fund, of an additional sum, not exceeding five dollars per school per annum, to each County Inspector. 37 V. c. 28, s. 106 (1 b). Additional allowance by Lieutenant-Governor.

**188.** Every County School Inspector shall be entitled to an allowance from the County Council, including travelling expenses, Additional allowance for

additional duties. of such an amount as the Council may determine, when not fixed by law, for performing the following additional duties :

Equalizing assessments. (a) Equalizing annually, with the Mayors, Reeves, or Deputy-Reeves, the assessments in union school sections or divisions existing on the second day of March, 1877, and for duties required by this Act in respect to other union school sections. 37 V. c. 28, ss. 61 (2 f) (1), 107 (1).

Visiting new Townships. (b) Visiting and inspecting schools, and giving special certificates to teachers in new and remote Townships, under the authority of this Act. 37 V. c. 28, ss. 61 (2 f) (2), 107 (2).

Additional remuneration to Inspectors in new Districts. **189.** Any Inspector, or other duly qualified person, appointed to inspect schools in new and remote Townships, and to advise and encourage settlers to establish schools for their children, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature or County Council for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. 37 V. c. 28, s. 108; 40 V. c. 16, s. 3 (10).

### (3) Allowance for Arbitrations.

Allowance for acting as arbitrator. **190.** School Inspectors engaged in investigating and deciding upon school complaints and disputes shall be entitled to the same remuneration per diem for the time thus employed as are members of the Municipal Council of their County for their time and attendance at Council meetings. 37 V. c. 28, s. 147.

2. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators and School Inspectors respectively. 37 V. c. 28, s. 147 (a).

Inspector not to hold other offices. **191.** No Inspector of schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as Inspector as required by law. 37 V. c. 28, s. 109.

Inspectors to swear witnesses in certain cases. **192.** In cases where an Inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such Inspector to administer an oath to such witnesses, or to require their solemn affirmation, before receiving their testimony. 37 V. c. 28, s. 110; 40 V. c. 16, s. 3 (11).



**193.** In the event of any County Inspector resigning his office, the Warden of the County within which such Inspector held office, may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the County Council. 37 V. c. 28, s. 111.

Warden may supply vacancies in the office of Inspector.

#### IV. DUTIES OF PUBLIC SCHOOL INSPECTORS.

**194.** It shall be the duty of every Public School Inspector in a County, City or Town, and he is hereby empowered,

Duties of County School Inspectors.

##### (1) *Oversight of Schools.*

1. To have the oversight of all Public Schools in the Municipality for which he is appointed, and if a County Inspector in the Townships and Villages within the County or Union of Counties, or part of the County or Union of Counties for which he is appointed; 37 V. c. 28, s. 112 (1), 114 (1).

Jurisdiction, obligations, &c.

2. To see that all the schools are managed and conducted according to law; 27 V. c. 28, s. 112, (10), 114 (8).

See to observance of lawful regulations.

##### (2) *Visiting Schools.*

3. To visit every Public School within his jurisdiction twice in a year (if a County Inspector), unless oftener required to do so by the County Council which appointed him, or for the adjustment of disputes or otherwise, and if a City or Town Inspector, to visit from time to time and as often as may be required of him by the Public School Board; 37 V. c. 28, s. 112 (7), 114 (3).

Make two visits a year to each school.

(a) One of such half-yearly visits (in the case of a County Inspector), shall be made between the first of April and the first of October, and other between the first of October and the first of April. 37 V. c. 28, s. 112 (7 a).

4. To examine at his visits of inspection, into the state and condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may judge proper; 37 V. c. 28, s. 112 (8), 114 (4-5).

Examine the state of the school.

5. To prevent the use of unauthorized, and to recommend the use of authorized books in each school; and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them; 37 V. c. 28, s. 112 (10 a, b), 114 (9).

Text books.

Meet the  
Minister on  
official visits.

6. To meet and confer with the Minister of Education at such time and place as he may appoint when making official visits; 37 V. c. 28, s. 112 (12), 114 (11).

(3) *Lectures, &c.*

Deliver annual  
lecture.

7. To deliver from time to time, under regulations prescribed by the Minister of Education, a public lecture or lectures in his County or division, on some subject connected with the objects, principles, and means of practical education; 37 V. c. 28, s. 112 (9), 114 (6).

Other duties.

8. To do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the Public Schools, and to secure the sound education of the young generally; 37 V. c. 28, s. 112 (9 a), 114 (7).

(4) *Complaints as to Elections of School Trustees.*

Mode of pro-  
ceeding in  
contested elec-  
tions in school  
sections.

9. In the case of a County Inspector—to receive, investigate and decide upon any complaint,

(a) In regard to the election of school trustees, made to him within twenty days after holding any Public School meeting for the election of a trustee or trustees in any rural section, within the limits of his charge, or respecting the mode of conducting such election;

(b) In regard to the proceedings at any rural school meeting;

Complaint  
within twenty  
days.

and according to the best of his judgment to confirm or set such election or proceeding aside, and appoint the time and place for a new election; but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any Inspector unless made to him in writing within twenty days after the holding of the election or meeting; 37 V. c. 28, s. 112 (15).

(5) *Decision of Disputes.*

To decide dis-  
putes.

10. In the case of a County Inspector—to decide upon any difference of opinion between the auditors of the school accounts of any school section which may be referred to him; 37 V. c. 28, s. 112 (17).

Appeal.

11. To decide upon any questions submitted to him which arise between interested parties under the operation of this Act; or if he deems it advisable, the Inspector may refer any such question for settlement to the Minister of Education; 37 V. c. 28, s. 112 (18), 114 (28); 37 V. c. 28, s. 112 (18 a), 114 (28 a).

12. To decide any dispute which may arise as to the comparative distance of the homes of non-resident pupils from the school of their section or from the school of the City, Town or division, and from the school of an adjoining section or division; 37 V. c. 28, s. 112 (31); s. 114 (20).

Distance of non-resident pupils from school.

(6) *Apportionment of Public School Fund.*

13. In the case of a County Inspector—to distribute, unless otherwise instructed by the Minister of Education, among all of the school sections and divisions under his jurisdiction, their respective portions of the Public School Fund apportioned to or raised by County rate within the Townships under his charge, according to the ratio of the average attendance of pupils at each Public School (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the Public Schools of every such Township; 37 V. c. 28, s. 112 (2).

To apportion School Fund according to average attendance.

14. In the case of a County Inspector—to apportion the School Fund, but not give a cheque for any portion of it, to any school section which has not been conducted according to law and the regulations provided under its authority, or whose trustees have neglected to transmit to him their return of average attendance for the last preceding half-year; 37 V. c. 28, s. 112 (3).

To apportion but not pay unless trustees make half-yearly return.

(7) *Cheque to Teachers—Superannuation Money.*

15. To give to any qualified teacher, assistant, or monitor, but to none others, in the case of a City or Town in conjunction with the Public School Board, an order on the Treasurer for any salary due to such teacher, and in the case of a County, on the order of the trustees of any school section, a cheque upon the County Treasurer or sub-Treasurer, for any sum of money apportioned and due to the section, after deducting the teachers' superannuation moneys payable by the male teacher of the section, as provided in the next succeeding clause of this section: 37 V. c. 28, s. 112 (4), 114 (12).

Give cheques to none but qualified teachers.

16. To deduct two dollars semi-annually for the superannuated teachers' fund, from each half-yearly payment made by him on behalf of any male teacher holding a certificate of qualification within his jurisdiction, and to transmit the same to the Education Department; 37 V. c. 28 s. 112 (5), 114 (13).

Deduct half-yearly superannuation payments.

17. To give an order, half yearly on the treasurer or secretary-treasurer, for any moneys in his hands, deducted by him or otherwise payable by male teachers employed by the school corporation to the Superannuated Teachers' Fund; 37 V. c. 28, s. 112 (34), 114 (19).

Order for superannuation money.

Teachers' superannuation moneys.

(a) Every treasurer of school moneys is required to pay to the order of the Inspector, at the end of every half-year, any male teacher's superannuation moneys in his hands. 37 V. c. 28, s. 112 (5 a), 114 (13 a).

Condition of giving cheques to trustees.

18. In the case of a County Inspector—to give no cheque upon any trustees' order, except in the case of a new school section, unless a satisfactory annual school report for the year ending on the last day of December preceding has been received from the trustees; nor unless it appears by such report that a school has been kept by a qualified teacher in such section for at least six months during the year ending at the date of such report; 37 V. c. 28, s. 112 (6).

Give information to county auditors.

19. In the case of a County Inspector—to furnish the County Auditors, when required, with the trustees' orders as the authority for his cheques upon the County or sub-Treasurer for school moneys; 37 V. c. 28, s. 112 (37).

### (8) *Examination of Public School Teachers.*

Obtain accommodation for examination.

20. To apply, from time to time to the County Council or Public School Board for suitable rooms or other accommodation for holding the examination of Public School teachers; 37 V. c. 28, s. 112 (11), 114 (10 b),

Attend certain meetings.

21. To attend and take part in the meetings of the Board of Examiners of Public School teachers, as required by this Act; 37 V. c. 28, s. 112 (11 a), 114 (10 a).

(a) Also, in the meetings of the Board of Examiners for the admission of pupils to any High School or Collegiate Institute in a Township or Village; 37 V. c. 28, s. 112 (11 b), 114 (10).

(b) Also, in the meetings for arbitrations appointed under the authority of this Act; 37 V. c. 28, s. 112 (11 c).

### (9) *Temporary Certificates.*

May give temporary certificates to teachers.

22. To give any candidate, on due examination, according to the programme authorized for the examination of teachers, and subject to the regulations of the Education Department, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of which such School Inspector is a member; 37 V. c. 28, s. 112 (24), 114 (16); 40 V. c. 16, s. 12 (3).

(a) No such certificate shall be given a second time, or be valid, if given a second time, to the same person in the same County. 37 V. c. 28, s. 112 (24 a), 114 (16 a)



(10) *Endorsing Third Class Certificates.*

23. To endorse as valid within the City, Town, County, Riding or division in which he is Inspector, any third-class certificate issued by any County Board of Examiners, under such general regulations as may from time to time be prescribed under this Act or *The Act respecting the Education Department*; 37 V. c. 28, s. 112 (25), 114 (17). To endorse third-class certificates.  
Rev. Stat. c. 203.

(11) *Special Certificates.*

24. In the case of a County Inspector—to examine and give, under such general regulations or instructions as aforesaid, special certificates from time to time, to teachers in new and remote Townships in the County, Riding or Division in which he is Inspector; 37 V. c. 28, s. 112 (26). Certificates to teachers in new districts.

(a) Such certificates shall be valid in such Townships for the periods mentioned in the regulations. 37 V. c. 28, s. 112 (26a).

(12) *Monitor's Certificates.*

25. To examine and give, at his discretion, a special certificate to be valid for one year, to a senior pupil (or pupils) of a Public School or other person, to act as monitor or assistant, or monitors or assistants, in such Public School, under general regulations and instructions framed by the Education Department for that purpose; 37 V. c. 28, s. 112 (27); s. 114 (18). Certificates to monitors and assistants in public schools.

(a) The Inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed. 37 V. c. 28, s. 112 (27a); 114 (18a). Proviso.

(13) *Suspension of Teacher's Certificates.*

26. To suspend the certificate of qualification of any class or grade of any master or teacher, for any cause which appears to him to require it; 37 V. c. 28, s. 112 (22), 114 (14). May suspend teacher's certificate.

(a) The suspension of a Provincial certificate, formerly issued by the Chief Superintendent or Council of Public Instruction, or issued by the Education Department or Minister of Education, shall continue until the case is reported to and decided by the Minister. 37 V. c. 28, s. 112 (22 a), 114 (14 a).

(b) Any other certificates suspended by the Inspector shall remain so suspended until the next ensuing meeting of the County Board of Examiners of Public School teachers, of which meeting due notice shall be given to the teacher whose certificate is suspended. 37 V. c. 28, s. 112 (22 b), 114 (14 b).

(c) The suspension or cancelling of a teacher's certificate of qualification shall release the school trustees who employed the teacher from any obligation to continue him in their employment. 37 V. c. 28, s. 112 (22 c), 114 (14 c).

Report suspension to Minister.

27. To report forthwith to the Minister of Education the suspension by him of a teacher's Provincial certificate of qualification; 37 V. c. 28, s. 112 (23), 114 (15).

(a) The Inspector shall notify in writing, the teacher whose certificate he has suspended of the reasons of such suspension. 37 V. c. 28, s. 112 (23 a), 114 (15)

(b) The Minister of Education shall finally decide the case. 37 V. c. 28, s. 112 (23 b), 114 (15 a)

(14) *Alteration of School Boundaries.*

Schools in unorganized townships.

28. In the case of a County Inspector—to perform any duties required of him by this Act, in regard to the formation, alteration and assessment rolls of school sections in the unorganized Townships; 37 V. c. 28, s. 112 (28).

Apply to council to alter sections.

29. In the case of a County Inspector—to apply, at his discretion, to the Township Council to alter the boundaries of any school section, or school sections within his jurisdiction; 37 V. c. 28, s. 112 (29).

(15) *Formation, Alteration, &c. of Boundaries of Union School Sections.*

Aid in forming union sections.

30. In the case of a County Inspector—to call and attend the meetings authorized to be held by this Act, for the formation, dissolution, or alteration of the boundaries of union school sections, and for the annual equalization of assessments in the cases provided for by this Act; 37 V. c. 28, s. 112 (13).

Notice to township clerk.

31. In the case of a County Inspector—to give the notice to the Township Clerk and to the school trustees in regard to the formation, dissolution, or any alteration in the boundaries of union school sections, as required by this Act; 37 V. c. 28, s. 112 (14).

(16) *Annual Report.*

Transmit annual report to the Minister.

32. To prepare and transmit to the Minister of Education on or before the first day of March, an annual report, which shall be in the form provided by the said Minister, and which in the case of County Inspectors shall state—

Contents.

(a) The whole number of schools and school sections, or parts of sections in each Township within his jurisdiction. 37 V. c. 28, s. 112 (39a).

(b) The number of pupils over the age of five and under the age of sixteen taught in each school; the number between the ages of sixteen and twenty-one years; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years. 37 V. c. 28, s. 112 (39b).

(c) The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections; the branches taught; the number of pupils in each branch; the books used; and the average attendance of pupils, both male and female, in each half-year. 37 V. c. 28, s. 112 (39 c).

(d) The amount of moneys received and collected in each section or part of a section—distinguishing the amount apportioned by the Minister of Education, the amount received from County assessment, the amount raised by trustees, and the amount from any other and what sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; and the annual salary of teachers, male and female, with and without board. 37 V. c. 28, s. 112 (39d).

(e) The number of school visits made by himself and others during the year; the number of school lectures delivered; the whole number of school-houses, their sizes, description, furniture and appendages; the number rented; the number erected during the year; of what description; and by what means. 37 V. c. 28, s. 112 (39e).

(f) The number of qualified teachers; their standing, sex and religious persuasions; the number, so far as he can ascertain, of private schools; the number of pupils and subjects taught therein; the number of libraries, their extent, and how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge; 37 V. c. 28, s. 112, (39f). See 37 V. c. 28, s. 114 (27).

(17) *Miscellaneous.*

33. In the case of a County Inspector—to appoint in his discretion, the time and place for a special school section meeting, at any time, for any lawful purpose; 37 V. c. 28, s. 112 (16). Call meetings.

34. In case of a County Inspector—to act jointly with two other persons as valuator of school section sites, school-houses and other school property in a Township, as may be directed by the Township Council, and to report with them the result to the Council; 37 V. c. 28, s. 112 (32). Act as valuator.

School site  
compensation.

35. In the case of a County Inspector—to direct trustees at his discretion, as to the deposit with the County Treasurer or other investment of the compensation awarded for school sites under the one hundred and twenty-eighth and five following sections of this Act; 37 V. c. 28, s. 112 (30).

Aid to poor  
schools.

36. In the case of a County Inspector—to recommend to the County Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the County; 37 V. c. 28, s. 112 (33).

Hand over  
papers on  
retiring from  
office.

37. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the County Council or Public School Board, as the case may be; 37 V. c. 28, s. 112 (38), 114 (26).

Giving infor-  
mation to  
Minister.

38. To give any information in his power when desired to the Minister of Education respecting any Public School matter within his jurisdiction; 37 V. c. 28, s. 112 (36), 114 (25).

Observing re-  
gulations.

39. To act in accordance with the regulations provided for his guidance, and the instructions given to him from time to time by the Minister of Education; 37 V. c. 28, s. 112 (35), 114 (24).

Perform other  
duties.

40. In the case of a City or Town Inspector—to perform such other duties as may be required of him by the Public School Board appointing him, or by the Minister of Education. 37 V. c. 28, s. 114 (29).

General  
powers.

41. To have in every Municipality within his jurisdiction, all the powers and be subject to all the obligations which are conferred or imposed upon Inspectors by law, according to such instructions as may be given to him, from time to time, by the Minister of Education; 37 V. c. 28, s. 112 (1 a), 114 (2).

#### (18) *Apportionment to Union School Sections.*

How union  
sections shall  
be paid.

**195.** The School Inspectors of adjoining Townships shall determine the sums to be paid from the Public School Fund of each Township in support of the schools of union school sections consisting of portions of the Townships.

2. They shall also determine the manner in which such sums shall be paid.

3. In the event of one person being Inspector of the Townships concerned, he shall act in behalf of all the Townships.

Warden to  
decide in case  
of dispute.

4. In the event of the School Inspectors thus concerned not being able to agree as to the sum to be paid to each of the Townships, the matter shall be referred to the Warden of the County for final decision. 37 V. c. 28, s. 113.



## PART XI.

## COUNTY BOARDS OF EXAMINERS.

## I. CONSTITUTION OF BOARD.

**196.** Every County Council shall appoint a County Board of Examiners, for the examination and licensing of teachers, in accordance with the regulations provided by law.

County Board of Examiners constituted.—examination of Public School teachers.

2. The Board shall consist of the County and City Inspector and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Education Department.

3. In no such Board shall the number of members exceed five.

4. In all cases, the majority of the members appointed shall constitute a quorum for the transaction of business. 37 V. c. 28, s. 115; see 40 V. c. 16, s. 3 (7).

## II. DUTIES OF THE BOARD.

**197.** It shall be the duty of every County Board of Examiners.

1. To examine and give third-class certificates of qualification to candidates as teachers of Public Schools, according to their attainments and abilities, as prescribed in this Act and by the authorized programme of examination and instructions under *The Act respecting the Education Department*; 37 V. c. 28, s. 118 (1).

To examine teachers and give certificates.

Rev. Stat. c. 203.

(a) Every certificate of qualification, issued by any Board of Examiners, shall have the signature of at least one Inspector of schools. 37 V. c. 28, s. 118 (1 a).

Signature to certificates.

2. To dispose of any case of suspension by an Inspector of any County Board certificate, in such manner as a majority of the members present may think proper. 37 V. c. 28, s. 118 (2).

To decide upon any case of suspension of County Board certificates by the Inspector.

**198.** Not more than one examination per annum shall be held in the several Counties for the granting of Public School teachers' third class certificates; which examination shall be held some time during the month of July, as determined by the Education Department. 37 V. c. 28, s. 116.

Only one examination for third-class certificates to be held yearly.

Examination  
in each divi-  
sion.

2. Where there are two Inspectors in any County, the County Council may authorize and direct a separate examination to be held in each division of the County. 37 V. c. 28, s. 116 (a).

### III. REMUNERATION.

Allowance to  
examiners.

**199.** Every member of the Board of Examiners shall be entitled to the same allowance from the County Council for his time, travelling and other expenses, as a member of the County Council receives, for time and attendance at the County Council, and to such additional allowance as may be determined by such Council. 37 V. c. 28, s. 117 (2 a). See 40 V. c. 16 s. 3 (7).

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## PART XII.

### TEACHERS' CERTIFICATES.

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Teachers to be  
moral and  
subjects of  
Her Majesty.

**200.** No certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or who, at the time of applying for the certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the Municipality in which such person resides. 37 V. c. 28, s. 119.

1st and 2nd  
class Provin-  
cial certificates

**201.** First and second class Provincial certificates of qualification shall, on the report of the Central Committee of Examiners, be awarded to teachers by the Education Department according to its regulations. 37 V. c. 28, s. 120, 120 (c); 40 V. c. 16, s. 17 (3).

2. Second class Provincial certificates may, upon the report of the Central Committee of Examiners, be awarded by the Education Department to candidates eligible for first-class certificates who fail to come up to the required standard. 37 V. c. 28, s. 120 (b).

3. Third class certificates shall be awarded to eligible candidates by the County Board of Examiners according to the regulations of the Department. 37 V. c. 28, s. 120 (d); 40 V. c. 16, s. 17 (3).

4. County Boards shall have powers to renew third class certificates, subject to the regulations of the Education Department. 40 V. c. 16, s. 17 (3).

5. First and second class Provincial certificates only, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the Municipalities of the Province. 37 V. c. 28, s. 120 (e).

**202.** Upon passing the requisite examination, special certificates may be issued by the Minister of Education, (under the prescribed regulations) to any person who has been trained at any Normal School or other training institution for teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions. 37 V. c. 28, s. 121.

Certificates to students of any Normal School in British Dominions.

2. Such certificates shall specify, among other qualifications, the standing of such person at the Normal School, or other training institution, and the extent of his ability and aptitude to teach, as evinced by his certificates or testimonials from such Normal School, or other body, to the satisfaction of the Minister of Education. 37 V. c. 28, s. 121 (a).

Nature of qualifications.

**203.** All certificates of qualification of teachers granted before the fifteenth day of February, in the year one thousand eight hundred and seventy-one, shall remain in force in their respective Municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations and programmes prepared under the authority of *The Act respecting the Education Department*. 37 V. c. 28, s. 122.

Former certificates continued.  
Rev. Stat. c. 203.

**204.** Every Public School teacher's first-class certificate issued under the School Laws of this Province, by a County Board before the fifteenth day of February, one thousand eight hundred and seventy-one, and now legally valid (not having been recalled, suspended, or cancelled according to law), in any City or County, shall remain valid in such County or City during the good behaviour of the holder. 37 V. c. 28, s. 123.

Same subject.

**205.** Every Public School second-class teacher's certificate issued before such time, and under like authority, and now legally valid, as aforesaid, shall, (when such teacher has taught for a period of not less than ten years in Ontario,) continue to be valid during good behaviour in such County or City. 37 V. c. 28, s. 123 (a).

Same subject.

## PART XIII.

*SCHOOL VISITORS.*

Public School  
visitors  
defined.

**206.** All clergymen recognized by law, of whatever denomination, all Judges, members of the Legislature, members of County Councils, and Aldermen, shall be school visitors in the Townships, Cities, Towns, and Villages, where they respectively reside. 37 V. c. 28, s. 124.

2. Persons holding the Commission of the Peace for the County only, shall not be school visitors within Towns and Cities. 37 V. c. 28, s. 124 (*a*).

3. Every clergyman shall be a school visitor only in the Township, Town, or City where he has pastoral charge. 37 V. c. 28, s. 124 (*b*).

Their author-  
ity to visit  
Public Schools

**207.** Each of the school visitors may visit the Public Schools in the Township, City, Town, or Village. They may also attend the quarterly examination of schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think advisable, in accordance with the regulations, and instructions provided in regard to school visitors. 37 V. c. 28, s. 125.

General meet-  
ing of school  
visitors.

**208.** A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the Township, City, Town, or Village. 37 V. c. 28, s. 126.

Authority  
at such  
meetings.

**209.** The visitors thus assembled may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. 37 V. c. 28, s. 126 (*a*).

## PART XIV.

*COMPULSORY EDUCATION.*

Duties of the  
Public School  
Board.

**210.** It shall be the duty of the trustees of every rural school section and of the Public School Board of every City,



Town, incorporated Village and Division respectively, and they are hereby authorized,

1. To ascertain before the thirty-first day of December in every year, through the Assessor, Collector, or some other person to be appointed for that purpose, and paid by them, the names, ages, and residences of all the children of school age in their school section, division or Municipality, as the case may be—distinguishing those children between the ages of seven and twelve years inclusive—who have not attended any school (or who have not been otherwise educated) for four months of the year, as required by the eighth section of this Act; 37 V. c. 28, ss. 27 (1), 86 (8), 157 (1). Trustees to ascertain names of absentee children.

2. To notify personally, or by letter or otherwise, the parents or guardians of such children of the neglect or violation on their part of the provisions of this Act in regard to compulsory education; 37 V. c. 28, ss. 27 (2), 86 (9), 157 (2). Notify parents.

3. To impose upon said parents or guardians who, after having been so notified, continue to neglect or violate the said provisions of this Act, a rate-bill not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a Justice of the Peace having jurisdiction in such cases, as provided by this Act, and to deliver to said Justice a statement of the names and residences of the parents or guardians of such children, unless from the circumstances of the case the Board is satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill health, or too great a distance from any school. 37 V. c. 28, ss. 27 (3-5), 86 (10), 158; 40 V. c. 16, s. 17 (6). Impose a rate-bill or make complaint to magistrate.

**211.** It shall be competent for the Police Magistrate of any City or Town, and for any Justice of the Peace in any Village, Township or Town where there is no Police Magistrate, to investigate and decide upon any complaint made by the trustees, or any person authorized by them, against any parent or guardian for the violation of the provisions of this Act, in regard to compulsory education, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in the two hundred and fiftieth section of this Act. 37 V. c. 28, s. 159; 39 V. c. 7, *Sched. B* (19). Penalty for non-attendance at some school.

2. The Police Magistrate or Justice shall not be bound to, but may, in his discretion, forego the issue of the warrant for the imprisonment of the offender, as in said section is provided. 37 V. c. 28, s. 159 (a).

**212.** It shall be the duty of the Police Magistrate, or any Justice of the Peace where there is no Police Magistrate, to ascertain, as far as may be, the circumstances of any party com- Further discretion of magistrate to enforce penalty.

plained of for not sending his child or children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill health, or too great a distance from any school; and in any of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the trustees of the school section or other school division in which the offence has occurred. 37 V. c. 28, s. 160.

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## PART XV.

### LEGISLATIVE SCHOOL GRANT.

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Public School  
Fund defined.

**213.** The Legislative school grant, together with at least an equal sum raised annually by local assessment, shall constitute and be called the Public School Fund of the County, Township, City, Town or Village; 37 V. c. 28, s. 139.

For teachers  
salaries only.

**214.** No part of the salaries of the Inspectors, nor of any other persons (except teachers employed), or of any expenses incurred in the execution of this Act, shall be paid out of the said Public School Fund, but such fund shall wholly, and without diminution, be expended in the payment of teachers' salaries. 37 V. c. 28, s. 139 (a).

Conditions of  
receiving  
share of  
grant.

**215.** No County, City, Town or Village shall be entitled to a share of the Legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it; 37 V. c. 28, s. 140.

Deduction if  
equivalent not  
raised by the  
Municipality.

**216.** Should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative school grant, the Minister of Education shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town, or Village, in the following year. 37 V. c. 28, s. 140 (a).

Grant payable  
on the first of  
July in each  
year.

**217.** The sum of money annually apportioned by the Minister of Education to every County, Township, City, Town, or Village, in aid of Public Schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year, to the Treasurer of every County, City, Town, and Village in such way as the Lieutenant-Governor, from time to time directs. 37 V. c. 28, s. 138.

## PART XVI.

## PROHIBITIONS AND PENALTIES.

## I. PROVISIONS AFFECTING MUNICIPALITIES AND MUNICIPAL OFFICERS.

(1) *Personal Responsibility of Members of Municipal Councils in Investing Moneys.*

**218.** No member of any Municipal Corporation shall take part in, or in any way be a party to, the investment of any of the moneys which are mentioned in the ninety-third and ninety-fourth sections of this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by those sections, or by the seventh section of *The Act respecting the Clergy Reserves*, or by any other law in that behalf made and provided; 37 V. c. 28, s. 161; 39 V. c. 7, *Sched. B* (20).

Liability of members of corporation investing money otherwise than authorized by this Act or Rev. Stat. c. 28, s. 7.

2. Any such person so doing shall be held personally liable for any loss sustained by such corporation. 37 V. c. 28, s. 161 (a).

(2) *Responsibility of Municipalities to Her Majesty.*

**219.** Every County, City, and Town withdrawn from the jurisdiction of the County within which it is situated, shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for, according to law. 37 V. c. 28, s. 162.

Municipality responsible on default of treasurer, etc.

(3) *Treasurer, and Sureties responsible to the Municipality.*

**220.** The Treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the County, City or Town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all such moneys as are mentioned in the two hundred and thirteenth and four following sections of this Act, and may be enforced against the Treasurer or his sureties, in case of default on his part. 37 V. c. 28, s. 163; 39 V. c. 7, *Sched. B* (21).

Treasurer, etc., responsible to County, etc.

Bonds to apply  
to school  
moneys, etc.

**221.** The bond of the Treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, either by stopping a like amount out of any public moneys payable to the County, City or Town, or to the Treasurer thereof, or by suit or action against the Corporation. 37 V. c. 28, s. 164.

(4) *Parties Aggrieved may recover from Municipality.*

City, etc., re-  
sponsible for  
default of  
treasurer,  
etc.

**222.** Any person aggrieved by the default of the municipal Treasurer may recover from the Corporation of any City, County, or Town, the amount due or payable to such person as money had and received to his use. 37 V. c. 28, s. 165.

(5) *Actions against persons acting under Municipal By-Laws to be brought against Municipality.*

Trustees act-  
ing under by-  
laws not liable.

**223.** Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a Municipal Council before it has been quashed.

2. In case a by-law, order, or resolution of a Municipal Council is illegal, in whole or in part, and in case anything has been done under it, which, by reason of the illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Corporation.

3. Every such action shall be brought against the Municipal Corporation alone, and not against any person acting under the by-law, order, or resolution. 37 V. c. 28, s. 167.

(6) *Township Clerk to provide School Map of Township.*

School map  
penalty on  
township  
clerk.

**224.** If any Township Clerk neglects or refuses to prepare and furnish the map of the school sections or other divisions of his municipality, as required by the one hundred and eighth section of this Act, he shall be liable to a penalty not exceeding ten dollars, to be recovered before a Justice of the Peace, for the school purposes of his Municipality, at the instance of any ratepayer thereof. 37 V. c. 28, s. 166; 39 V. c. 7, *Sched. B* (22).

II. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

(1) *Contracts by Trustees with the School Corporation.*

Certain con-  
tracts between  
trustees  
unlawful.

**225.** No Public School trustee shall enter into a contract with the corporation of which he is a member, or have any pecuniary claim on, or receive recompense from, such corpora-



tion, except for a school site, or as collector of school rates, and in the latter case only when he has been appointed, and the warrant to him as collector has been signed by the other two members of the corporation, and the seal of the corporation has been attached to the same. 37 V. c. 28, s. 25.

(2) *Trustees, &c., not to hold certain offices.*

**226.** No trustee of a school section shall hold the office of Public School Inspector, or be a teacher, within the section of which he is trustee; nor shall the master or teacher of any Public, High, or Separate School, hold the office of trustee, nor shall an Inspector be a teacher or trustee of any Public, High or Separate School while he holds the office of Inspector. 37 V. c. 28, ss. 7, 91, 104.

Trustee not to hold certain offices.

**227.** No teacher, trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public, or High Schools, or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. 37 V. c. 28, s. 143. *See also Rev. Stat. c. 205, s. 86.*

No inspector, trustee, teacher, etc., shall act as agent for the sale of books, maps, etc.

(3) *Responsibility of Trustees for School Moneys.*

**228.** The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. 37 V. c. 28, s. 168.

Trustees personally responsible for moneys lost.

2. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 37 V. c. 28, s. 168 (a).

**229.** If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other party to whom they entrust school moneys, they shall be held personally responsible for the moneys, as provided by this Act. 37 V. c. 28, s. 169 (b).

**230.** If any part of the Public School Fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not

Certain parties personally responsible in case of lost school moneys.

been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the party entitled to receive the same, by action at law in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 37 V. c. 28, s. 170.

(4) *Secretary-Treasurer and Trustees to account for moneys, &c.*

Penalty on secretary-treasurer or trustee for refusing to account.

**231.** No secretary-treasurer appointed by the school trustees of any school section or division, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold or neglect, or refuse to deliver up, or to account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office or by other competent authority, and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 37 V. c. 28, s. 171.

Mode of proceeding in the case.

**232.** Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section or division, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

2. Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the party complained against, or leave the same with a grown-up person at his residence. 37 V. c. 28, s. 172.

Judge to issue order.

**233.** At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. 37 V. c. 28, s. 173.

Effect of non-compliance with Judge's order.

**234.** In the event of a non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said party to be forthwith arrested by the Sheriff of

any County in which he may be found, and to be committed to the Common Gaol of his County, there to remain without bail until the Judge be satisfied that the party has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid: upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. 37 V. c. 28, s. 174.

**235.** No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 37 V. c. 28, s. 175.

Other remedy not affected.

(5) *Refusal of Trustee to serve or exercise Corporate Powers.*

**236.** If any person chosen as trustee refuses to serve, he shall forfeit the sum of five dollars. 37 V. c. 28, s. 176.

Penalty for refusing to serve as trustee.

**237.** Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any two ratepayers, for its use, as authorized by this Act. 37 V. c. 28, s. 176 (a).

Penalty for refusing to perform duties.

**238.** If the trustees of any Public School wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers shall be held to be personally responsible for the fulfilment of such contract or agreement. 37 V. c. 28, s. 26 (24), & s. 177.

Penalty for refusing to exercise corporate powers.

(6) *Refusal to account to School Auditors.*

**239.** The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a rural school section, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. 37 V. c. 28, ss. 26 (24) & 178.

Penalty on trustees refusing information, &c., to auditor.

(7) *Neglect to send Half-Yearly Returns to Inspector.*

**240.** In case the trustees of any rural school section neglect to transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in

Penalty for neglecting to send half-yearly returns.

every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

2. The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 37 V. c. 28, s. 179.

(8) *Neglect to send Annual Report to Inspector.*

Penalty for  
delaying  
yearly  
report.

**241.** In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their County Inspector by the thirty-first day of January in every year, each of them shall, for every week after such thirty-first day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act. 37 V. c. 28, s. 180.

(9) *Penalty for False Report and Registers.*

Penalty for  
false school  
reports and  
registers.

**242.** If any trustee of a Public School knowingly signs a false report, or if any teacher of a Public School keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the Public School Fund of the Township, the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor. 37 V. c. 28, s. 181.

Recovery by  
distress.

2. If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender. 37 V. c. 28, s. 181 (a).

Application  
of penalty.

3. The penalty, when so paid or collected, shall by the Justice be paid over to the said Public School Fund. 37 V. c. 28, s. 181 (b).

(10) *Refusal to deliver up School Property.*

Refusal to  
deliver key  
or register.

**243.** Any teacher who refuses to deliver up the school house key or register shall be punished, as provided in the sixth clause of the one hundred and sixty-third section of this Act. 37 V. c. 28, s. 181 (c); 39 V. c. 7, *Sched. B* (23).



## III. MISCELLANEOUS.

(1) *False Declaration of Right to Vote at School Meetings.*

**244.** No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the Public School trustees of the City, Town, Village, school section, or other division, for its use. 37 V. c. 28, s. 184.

Penalty for making a false declaration.

(2) *Misconduct of Returning Officers, &c., at School Trustee Elections.*

**245.** If any Returning Officer or Deputy Returning Officer at any election of a Public School Trustee in a City, Town, or incorporated Village, is convicted before the County Judge, of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars, or more than one hundred dollars at the discretion of the County Judge. 37 V. c. 28, s. 185.

Penalty on returning or deputy returning officer for wrong doing.

(3) *Chairman to send Report of School Meetings to Inspector.*

**246.** Any chairman who neglects to transmit to the County Inspector a copy of the proceedings of an annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting, shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered as provided by this Act. 37 V. c. 28, s. 186.

Penalty on chairman for neglect.

(4) *Failure of Trustee Elect to make Declaration of Office.*

**247.** If any person elected as trustee of a rural school section does not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in the two hundred and thirty-sixth section of this Act. 37 V. c. 28, s. 187.

Fine for default or in case of neglect to make declaration.

(5) *Neglect to give Notice of School Meetings.*

**248.** In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit

Penalty for not calling certain school meetings.

the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof, as provided by this Act. 37 V. c. 28, s. 188.

(6) *Disturbing a Public School or School Meeting.*

Penalty for disturbing a school or school meeting.

**249.** Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any Public School established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town, or Village within which the offence was committed, a sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justice may think fit. 37 V. c. 28, s. 189.

IV. HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

**250.** Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced, with costs, by and before any Justice of the Peace having jurisdiction within the school section, City, Town or Village in which such fine or penalty has been incurred. 32 V. c. 28, s. 190.

2. If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Justice paid over to the school treasurer of the school section, City, Town or Village, or other party entitled thereto.

3. In default of such distress, the Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. 37 V. c. 28, s. 190.

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## SCHEDULE.

(Section 78, sub-section 10.)

## FORM OF TOWNSHIP DEBENTURE.

## PROVINCE OF ONTARIO.

No.

Debenture of the Township of \_\_\_\_\_, County of \_\_\_\_\_, for  
School Loan.

The Corporation of the Township of \_\_\_\_\_, hereby promise to pay to Bearer, at the Bank of \_\_\_\_\_, at \_\_\_\_\_, the sum of \_\_\_\_\_ dollars, lawful money of Canada, \_\_\_\_\_ year from the date hereof; and to pay interest at the rate of \_\_\_\_\_ per cent. per annum, half-yearly to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, by virtue and under the authority of chapter two hundred and four of *The Revised Statutes of Ontario*, and pursuant to By-law, No. \_\_\_\_\_ of said Township of \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_, intituled "A By-law to raise by way of loan the sum of \_\_\_\_\_ dollars for the purposes therein mentioned" (or as the case may be).

A. B., Reeve.

C. D., Treasurer.

## COUPON, No.

The Corporation of the Township of \_\_\_\_\_, at \_\_\_\_\_, will pay the Bearer at the Bank of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, the sum of \_\_\_\_\_ dollars, interest due on that day on Debenture No. \_\_\_\_\_ C. D., Treasurer.

## CHAPTER 205.

## An Act respecting High Schools and Collegiate Institutes.

PART I.—PRELIMINARY PROVISIONS, ss. 1, 2.

PART II.—ESTABLISHMENT OF HIGH SCHOOLS AND COLLEGIATE INSTITUTES, ss. 3-12.

PART III.—EXISTING UNIONS OF HIGH AND PUBLIC SCHOOLS, ss. 13-17.

PART IV.—DUTIES OF MUNICIPAL COUNCILS, ss. 18-28.

1.—Appointment of High School Trustees.

(1) *In Counties*, ss. 18-20 ;(2) *In Cities*, s. 21 ;(3) *In Towns separated from the County*, s. 22.(4) *In cases of agreement between a County and City or Town separated*, s. 23.(5) *Miscellaneous provisions*, ss. 24-28.

2.—Assessments for High School purposes.

(1) *Obligatory*, ss. 29-31 ;(2) *Discretionary*, s. 32 ;(3) *Payment and Audit*, ss. 33-36.

PART V.—HIGH SCHOOL TRUSTEES AND THEIR DUTIES, ss. 24-28 &amp; 37-40.

1.—*In general*, ss. 37-39.2.—*In regard to Preparatory Schools or Classes*, s. 40.

PART VI.—HIGH SCHOOL MASTERS AND THEIR DUTIES, ss. 41-53.

PART VII.—GENERAL PROVISIONS.

1.—Terms and Vacations in High Schools, s. 54.

2.—Admission of Pupils, ss. 55-65.

3.—High School Sites and other property, ss. 66-73.

(1) *Property vested in Trustees*, s. 66.(2) *Special cases*, ss. 67-73.

4.—High School Grants and their application, ss. 74-80.

(1) *Basis of Apportionment*, ss. 74-77.(2) *Grant payable half-yearly*, s. 78.(3) *Conditions of Payment*, ss. 79, 80.

5.—Military Instruction, s. 81.

6.—Meteorological Observations, ss. 82-84.

7.—Prohibitions and Penalties, ss. 85-87.

## PART I.

## PRELIMINARY PROVISIONS.

Short title.

1. This Act may be cited as "*The High Schools Act*."Existing High  
School organi-  
zations con-  
tinued.

2. All High School and Collegiate Institute divisions and districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to High Schools and Collegiate



Institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect subject to the provisions of this Act. 37 V. c. 27, s. 34.

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## PART II.

### *ESTABLISHMENT OF HIGH SCHOOLS AND COLLEGIATE INSTITUTES.*

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**3.** There shall be a High School or High Schools or Collegiate Institute in every County and Union of Counties, to be distinguished by prefixing to the words High School or Collegiate Institute the name of the City, Town or Village within the limits of which the High School or Collegiate Institute is situate, but such High School or Collegiate Institute shall nevertheless be deemed to be one of the High Schools or Collegiate Institutes of the County, and within the municipal jurisdiction of the County Council. 37 V. c. 27, s. 35; 40 V. c. 16, s. 18 (1).

Name of each  
County High  
School.

**4.** In order to encourage the establishment of superior classical schools, the Lieutenant-Governor may confer upon any High School in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language is not less than sixty, the name Collegiate Institute, and the provisions of this Act respecting High Schools shall also apply to Collegiate Institutes. 37 V. c. 27, s. 98, 98 (d).

Collegiate  
Institutes.

**2.** If the average of pupils hereby prescribed continues to be less than sixty, or the number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor under the conditions provided by this section. 37 V. c. 27, s. 98 (c).

**5.** The place of holding any High School in a County or Union of Counties may be changed at the end of the then civil year by the Council of the County within which it is established, by a by-law or resolution passed for that purpose at or before the June session, and approved of by the Lieutenant-Governor on the report and recommendation of the Minister of Education. 37 V. c. 27, s. 36.

Place of  
holding.

Discontinu-  
ance of High  
School.

**6.** Every County Council, at or before its June session in any year, but not later, shall have authority with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education to decide upon the discontinuance, at the end of the then civil year, of any existing High School in any part of the County within the jurisdiction of the said County Council. 37 V. c. 27 s. 37.

As to High  
School  
Districts.

**7.** All High School Districts which were existing on the second day of March, one thousand eight hundred and seventy-seven, and arrangements connected therewith shall continue until the County Council thinks fit to discontinue the same, and in the case of a County or Electoral District which at that time constituted a High School District, the same liability in reference to the High School or Collegiate Institute therein shall continue until otherwise determined by the County Council. 40 V. c. 16, s. 18 (2).

Additional  
High Schools.

**8.** Any County Council may under the restrictions prescribed in the next succeeding section establish one or more additional High Schools in the County. 37 V. c. 27, s. 39. 40 V. c. 16, s. 18 (3).

Establishment  
of new High  
Schools—re-  
striction.

**9.** No additional High School shall be established by a County Council in any County, except at or before its June session in any year and unless the High School Fund is sufficient to allow of an apportionment at the rate of not less than four hundred dollars per annum to be made to such additional High School, without diminishing the fund which was available for High Schools during the next preceding year. 37 V. c. 27, s. 40.

Establishment  
at end of the  
year.

**10.** Within the restriction prescribed in section nine it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year. 37 V. c. 27, s. 40 (a).

Cities and  
towns separ-  
ated to be  
counties for  
High School  
purposes.

**11.** For all High School purposes every City, and every Town separated for municipal purposes from the County in which it is situated, shall be a County; and its Municipal Council shall be invested with all the High School powers possessed by County, City or Town Councils. 37 V. c. 27, s. 42; 40 V. c. 16, s. 18.

Power to  
county and city  
or towns sepa-  
rated to  
agree as to  
High School.

**12.** In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the City or Town, and in such case

the corporate name and appointment of trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County; but all High School Unions existing on the second day of March, one thousand eight hundred and seventy-seven, between parts of the County, City or Town separated shall continue until otherwise agreed upon by the Councils of the County and City or Town. 40 V. c. 16. s. 18 (4).

### PART III.

#### UNIONS OF PUBLIC AND HIGH SCHOOLS.

(See also *Rev. Stat. c. 204, ss. 153-159*).

**13.** All existing unions of High Schools (or Collegiate Institutes) and Public School trustee Corporations are hereby continued, and all the members of both Corporations shall constitute a joint Board, and shall, as long as the union exists, be a Corporation, under the name of "*The Board of Education for the City (Town or incorporated Village of \_\_\_\_\_, or in School Section, No. \_\_\_\_\_ in the Township of \_\_\_\_\_, as the case may be*). 37 V. c. 27, s. 63.

Case of union of High and Public School trustees provided for.

**14.** Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the trustees of both the Public and High Schools. 37 V. c. 27, s. 63 (a).

Quorum, etc. Powers.

**15.** The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose. 37 V. c. 27, s. 63 (b).

Union may be dissolved.

**16.** On the dissolution of such union the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School trustees and of the High School (or Collegiate Institute) trustees respectively, present at meetings called for that purpose; or if they fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated; and should the High School be situated in a school section or unincorporated Village, the division, in case of failure to agree as aforesaid, shall be made by the County Council. 37 V. c. 27, s. 63 (c).

Disposition of School property.

By whom made.

No future  
unions.

**17.** No union of a Public School or department thereof with a High School or Collegiate Institute shall hereafter be made. 37 V. c. 27, s. 63 (*d*); 37 V. c. 28, s. 26 (10).

## PART IV.

### DUTIES OF MUNICIPAL COUNCILS.

#### 1.—APPOINTMENT OF HIGH SCHOOL TRUSTEES.

##### (1) *In Counties.*

if school is in  
town or village  
county council  
to appoint  
three trustees.

**18.** Every County Council shall, from time to time, select and appoint three fit and proper persons as trustees of each High School or Collegiate Institute situated in a Town not separated from the County for municipal purposes, or in an incorporated Village.

Town and  
village council  
to appoint  
three trustees.

**2.** The Council of the Town or incorporated Village, within the limits of which the High School or Collegiate Institute is situated, shall also, from time to time, appoint three fit and proper persons as trustees of such High School, one of whom, in the order of their appointment in each case, shall annually retire from office on the thirty-first day of January in every year. 37 V. c. 27, s. 52.

County council  
to appoint six  
trustees if  
school is in an  
unincorporated  
village.

**19.** The County Council may from time to time appoint and determine the continuance and succession in office, in the manner hereinafter provided, of six duly qualified persons as members of the High School Board of any High School established in an unincorporated Village, with the sanction of the Lieutenant-Governor. 37 V. c. 27, s. 53.

County, Town  
and village to  
appoint  
trustees.

**20.** The Council of every County, the Council of every Town not separated from the County for municipal purposes, and the Council of every incorporated Village, as the case may be, at their first meetings to be held after the first day of January in each year, shall each appoint one trustee to fill the vacancies caused by the annual retirement of two trustees of the High School or High Schools, or Collegiate Institute, within their jurisdiction. 37 V. c. 27, s. 58.

##### (2) *In Cities.*

City to ap-  
point six  
trustees.

**21.** The Council of every City shall, from time to time, appoint, in the manner provided by this Act, a Board of trustees



for the High School, or Collegiate Institute, within its jurisdiction, consisting of six fit and proper persons. 37 V. c. 27, s. 50.

2. When, and so long as the only High School of the County is situated within a City, the Council of such County shall appoint one-half of the trustees of such High School. 37 V. c. 27, s. 51.

(3) *In Towns separated from Counties.*

**22.** If a County Council, in any year, raises by assessment an amount equal to the grant from the Legislative appropriation which may be made to a High School or Collegiate Institute, situated in a Town separated from the municipal jurisdiction of such Council, it shall be lawful for such Council to appoint, for the ensuing year, one half of the trustees of the High School or Collegiate Institute. 37 V. c. 27, s. 54; 40 V. c. 16, s. 18 (8).

Appointment of High School trustees in towns separated.

2. If the County Council does not raise such amount, then the whole of the trustees of such High School shall be appointed by the Municipal Council of the Town concerned. 37 V. c. 27, s. 54 (1).

Alternative condition.

(4) *In cases of agreement between a County and City or separate Town.*

**23.** In cases where the County Council and the Council of the City or Town separated agree upon the terms and conditions of union under which the High School of such City or Town is constituted the High School of the County as well as of the City or Town, one half of the trustees shall be appointed by the County Council. See 40 V. c. 16 s. 18 (4).

(5) *Miscellaneous Provisions.*

**24.** The members of every High School, or Collegiate Institute Board in office at the time this Act comes into force, shall continue in office as such trustees, as herein provided (unless a vacancy occurs, for which provision is hereinafter made), and on the thirty-first day of January then next, and annually, on the thirty-first day of January in every year, two of the members of such Board for the time being, shall retire from said Board in rotation, according to seniority in office. 37 V. c. 27, s. 55.

Continuance in office.

Rotation.

**25.** Any occasional vacancy in a High School, or Collegiate Institute Board, arising from death, resignation, removal from the Municipality, or otherwise, of a trustee, shall be filled up by the County, City, Town, or Village Council, as the case may be.

Made of filling vacancies.

2. The person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which

the person whose place has become vacant was appointed to serve. 37 V. c. 27, s. 56.

City and town  
separated to  
appoint  
trustees.

**26.** Except in the cases provided for in the second subsection of the twenty-first section and the twenty-second section of this Act, the Council of every City and Town separated from the County for municipal purposes, at the first meeting to be held after the first day of January in each year, shall appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School, or Collegiate Institute, Board. 37 V. c. 27, s. 57.

Retiring  
trustees.

**27.** Any retiring trustee of a High School may, with his own consent, be re-appointed to office by a Municipal Council. 37 V. c. 27, s. 59.

Tenure of  
office.

**28.** All trustees for the time being shall hold office until their successors are appointed. 37 V. c. 27, s. 59 (a).

## II.—ASSESSMENT FOR HIGH SCHOOL PURPOSES.

### (1) *Obligatory.*

Equivalent to  
grant.

**29.** A sum at least equal to the minimum amount payable from time to time by the Government to any High School out of the Legislative grant, shall be provided by the Municipal Council of every City or Town withdrawn from the jurisdiction of the County for any High School or Collegiate Institute situate in such City or Town, together with such other sums as may be required for the accommodation and support of such school upon the application of the High School Board. 37 V. c. 27, s. 44; 40 V. c. 16, s. 18 (5).

County to pay  
equivalent.

**30.** In case of a High School in a Town not withdrawn from the County, or in an incorporated Village or Township, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School or Collegiate Institute is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and school accommodation of the said High School to the amount at least of the grant received from the Legislative appropriation, shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board; and in cases where two or more Municipalities, or portions thereof, within the County, have heretofore been formed into and constitute one High School District, or in cases where two or more such minor Municipalities, or portions thereof, hereafter agree to form and constitute themselves into a High School District, then such other sums as may be required for the maintenance and school accommodation of the said High School, shall be provided by the High School District upon the application of

the High School Board, and such sums shall be raised in the manner provided in the next following section of this Act, but nothing in this section shall be construed to affect any existing suit, or to prevent the County Council from discontinuing any High School District heretofore formed by it. 37 V. c. 27, s. 45; 40 V. c. 16, s. 18 (6).

**31.** The Council of any Municipality, or the Councils of the respective Municipalities which may be liable therefor, shall, upon the application of the High School Board, raise the proportion required to be paid by such Municipality or part of the Municipality, from the whole or part of the Municipality, as the case may be; and the County Council may constitute a County or Electoral District a separate District for High School purposes, in order that it may contribute to the support of one or more High Schools or Collegiate Institutes therein, as the Council may determine for such purpose, and in such amount separately from any other County or Electoral District under the jurisdiction of such County Council. 37 V. c. 27, s. 46; 40 V. c. 16, s. 18 (7). Manner.

(2) *Discretionary.*

**32.** The Council of every County, City, and Town separated from the County for municipal purposes, may pass by-laws for the following purposes:—

1. For making provision by local assessment, in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, warming, and keeping in order High School houses and their appendages, grounds, and enclosures. 37 V. c. 27, s. 47 (1). Aiding High Schools.

2. For obtaining within the County, or in any City or Town separated from the County, as the wants of the people may most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses, and for disposing of such property when no longer required. 37 V. c. 27, s. 47 (2). Lands for High Schools.

3. For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council. 37 V. c. 27, s. 47 (3). Additional provision.

4. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the High schools or Collegiate Institutes of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, or Collegiate Institutes possess competent attain- Pupils competing for University prizes.

ments for, competing for any scholarship, exhibition, or other similar prize, offered by such University or College. 37 V. c. 27, s. 47 (4). (*See also Rev. Stat. c. 174, s. 465 (7).*)

Attendance  
at High  
School.

5. For making similar provision for the attendance at any High School or Collegiate Institutes, for like purposes, of pupils of the Public Schools of the Municipality. 37 V. c. 27, s. 47 (5). (*See also Rev. Stat. c. 174, s. 465 (8).*)

Endowing fel-  
lowships, etc.

6. For endowing such fellowships, scholarships, or exhibitions, and other similar prizes in the University of Toronto, and in the Upper Canada College, and Royal Grammar School there, for competition among the pupils of the High Schools of the County, as the Council deems expedient for the encouragement of learning amongst the youth thereof. 37 V. c. 27, s. 47 (6). (*See also Rev. Stat. c. 174, s. 465 (9).*)

### (3) *Payment to Treasurer.—Audit.*

Moneys to  
be paid to  
treasurer.

**33.** All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such Municipality or District. 37 V. c. 27, s. 48.

On or before  
fourteenth De-  
cember.

**34.** All local assessments and subscriptions for the support of High Schools or Collegiate Institutes shall be payable on or before the fourteenth day of December in every year. 37 V. c. 27, s. 48.

Audit of High  
School treasu-  
rer's accounts.

**35.** The Treasurer of every High School Board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors to be audited by them in the same manner as the Municipal Treasurer's accounts are audited; 37 V. c. 27, s. 49.

Auditors to au-  
dit treasurer's  
accounts.

**36.** It shall be the duty of the Municipal Auditors to audit such accounts of the Treasurer. 37 V. c. 27, s. 49 (a).

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## PART V.

### DUTIES OF HIGH SCHOOL TRUSTEES.

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#### I. DUTIES GENERALLY.

High School  
trustees to be  
a corporation.  
—Powers.

**37.** The trustees of every High School, or Collegiate Institute, shall be a corporation, by the name of "The High School (or Collegiate Institute) Board," prefixing to the term "High,"



School" or "Collegiate Institute," the name of the City, Town or incorporated Village, within which such High School or Collegiate Institute is situated, and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. 37 V. c. 27, s. 60.

**38.** The High School or Collegiate Institutes Board of any District formed by the County Council, shall possess all the powers within the said District for the support and management of the High School or Institute, and in respect to the County Council, as are possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care. 37 V. c. 27, s. 41.

**39.** It shall be the duty of the trustees of every High School or Collegiate Institute Board, (three of whom shall form a quorum for the transaction of business,) Powers of Boards.  
Duties of the board of High School trustees.

1. To meet annually at or near the place where each school under their charge is held, on the first Wednesday in February in each year; 37 V. c. 27, s. 61 (1). To meet annually.

2. To appoint annually, or oftener, from amongst themselves, a chairman of the Board; 37 V. c. 27, s. 61 (2). To appoint Chairman, &c.

3. To fix the times and places of the Board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings; 37 V. c. 27, s. 61 (3). To fix meetings of the Board.

4. To take charge of the High School or Collegiate Institute for which they have been appointed trustees, and the buildings and lands appertaining to it; 37 V. c. 27, s. 61 (4). To take charge of County High School.

5. To do whatsoever they may deem expedient with regard to erecting, repairing, warming, furnishing, and keeping in order the buildings of such High School or Collegiate Institute and its appendages, lands, and enclosures belonging thereto; 37 V. c. 27, s. 61 (5). To erect, repair, and furnish schools, &c.

6. To apply (as the case may be) to the Municipal Council of the City, or of the Town separated from the County for Municipal purposes, for such sum or sums as said Board may require for the support, management, and school accommodation, and other necessary expenses of their High School or Collegiate Institute, and as said Council is required by this Act to raise by local assessment for these purposes; 37 V. c. 27, s. 61 (6). To apply to Councils for sums for maintenance,

7. To apply to the Council of the Municipality, or Councils of the respective Municipalities, liable for such sums as are authorized by the thirtieth section of this Act; 37 V. c. 27, s. 61 (6a). and equivalent to Legislative grant.

To apply to Councils to supply additional funds.

8. To apply to the Councils of the Municipalities mentioned in the thirty-second section of this Act, for any additional moneys which said Councils may raise for High School or Collegiate Institute purposes, under the authority of this Act; 37 V. c. 27, s. 61 (7).

To collect fees.

9. To settle the amount to be paid by parents and guardians for each pupil attending the School or Institute, and to fix the times of payment, and apply the moneys received therefor as they may judge expedient towards making up the salaries of teachers, providing the proper apparatus, maps, text, library and prize books, daily and general entrance registers, and defraying any other necessary expenses of the School or Institute; and they may sue for and recover such amounts, and, when collected, the same shall be paid over to the treasurer of the said High School or Collegiate Institute Board; 37 V. c. 27, s. 61 (8).

To give orders on treasurer for salaries and expenses.

10. To give the necessary orders upon the Municipal Treasurer for the amount of public money to which the High School or Collegiate Institute is entitled, and upon their own treasurer for any moneys in his hands, for the payment of the salaries of the masters, teachers, and other officers and servants of the High School or Collegiate Institute, and of any other necessary expenses; 37 V. c. 27, s. 61 (9).

To appoint and remove masters, teachers.

11. To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and other teachers, of competent ability and good morals, in the High School or Collegiate Institute, and to fix their salaries and prescribe their duties. 37 V. c. 27, s. 61 (10).

Officers and servants.

12. To appoint such other officers and servants in the High School or Collegiate Institute as they may judge expedient, and fix their remuneration; 37 V. c. 27, s. 61 (11).

Give instruction in all the higher branches.

13. To make provision for giving to both male and female pupils in their High School or Collegiate Institute, by legally qualified teachers of competent ability and good morals, instruction in all the higher branches of a practical English and commercial education, including the natural sciences, with special reference to agriculture, the elements of mathematics, natural philosophy and mechanics, and also for giving instruction in the Latin, Greek, French, and German languages, (to those pupils whose parents or guardians may desire it,) so far as to prepare students for University College, or any college affiliated to the University of Toronto, according to a programme of studies, general rules and regulations, which shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor; 37 V. c. 27, s. 61 (12).

14. To see that their High School or Collegiate Institute is Conduct of  
conducted according to the provisions of this Act, and of the school.  
general rules and regulations provided under its authority; Text-books.  
that the pupils of the High School or Collegiate Institute are  
supplied with proper text-books; and that public half-yearly Examinations.  
examinations of the pupils are held, and due notice given of  
them; 37 V. c. 27, s. 61 (13).

15. To prepare and transmit, before the fifteenth day of Jan- To make an  
uary, to the Minister of Education, an annual report, in accord- annual report  
ance with a form of report which shall be provided by him for to Minister.  
that purpose; and such report shall contain a full and accurate  
account of all matters appertaining to the School or Institute.  
37 V. c. 27, s. 61 (14).

## II. PREPARATORY CLASSES OR SCHOOLS.

40. It shall be competent for the Board of Trustees of any Preparatory  
High School or Collegiate Institute, to establish a preparatory classes.  
school, class, or classes, for the preparation of pupils for ad-  
mission to such High School or Collegiate Institute.

2. No master or teacher employed in the High School or Proviso as to  
Collegiate Institute shall teach in such preparatory school, teaching.  
class, or classes.

3. No part of the Legislative grant or of the County assess- As to Legisla-  
ment for High School or Collegiate Institute purposes shall be tive grant.  
applied towards the expenses of the establishment, teaching or  
maintenance of such preparatory school, class, or classes.

4. No additional local assessment for High School or Col- As to assess-  
legiate Institute purposes shall be applied towards such expenses ment.  
without the consent of the Council of the Municipality in  
which the High School or Collegiate Institute is situated. 37  
V. c. 27, s. 62.

## PART VI.

### HIGH SCHOOL MASTERS.

#### (1) *Head Masters to be University Graduates.*

41. No person shall be deemed to be legally qualified to be Head Masters  
appointed head master of a High School or Collegiate Insti- to be Uni-  
tute unless he is a graduate in Arts of some University within versity  
graduates.

the British Dominions, and furnishes satisfactory evidence to the Education Department, of his knowledge of the science and art of teaching, and of the management and discipline of schools ; but any person legally qualified and employed as head master in any High School or Collegiate Institute before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. 37 V. c. 27, s. 72.

### (2) *Settlement of Disputes.*

Settlement of  
disputes.

**42.** All matters of difference between trustees, masters and teachers of High School and Collegiate Institutes, in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the Judge of the County Court, in each County.

Rev. Stat. c.  
203, ss. 7-17.

2. Provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Act respecting the Education Department*. 37 V. c. 27, s. 73.

Division Court  
judgment may  
be enforced.

**43.** In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. 37 V. c. 27, s. 74.

### (3) *Superannuation Allowance.*

Right of  
teachers to  
retire.

Pension on  
reaching 60  
years of age.

Condition of  
pension.

**44.** Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by law, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School teacher in Upper Canada or Ontario. 37 V. c. 27, s. 75.

Supplementing  
pensions.

2. Such pension may be supplemented out of local funds by any Municipal Council or High School Board or Board of Education, at its pleasure. 37 V. c. 27, s. 75, (1).

Teachers  
under 60.

**45.** Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Department from time to time, in addition



thereto, satisfactory evidence of his being disabled. 37 V. c. 27, s. 76, & s. 63 (*a*).

**46.** Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first-class or second-class Provincial certificate, or who is an authorized head master of a High School or Collegiate Institute shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. 37 V. c. 27, s. 77.

\$1 per annum extra to certain teachers.

**47.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time, should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Education Department. 37 V. c. 27, s. 78.

Proviso in regard to good moral character.

**48.** If any pensioned teacher, with the consent of the Department, resumes the profession of teaching, the payment of his allowance shall be suspended for the time of his being so engaged; and, in case of his again being placed by the Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with the law and regulations. 37 V. c. 27, s. 79.

Resuming profession.

**49.** No teacher shall be entitled to share in the said Fund unless he has contributed to such Fund the sum of four dollars or more per annum, for and during the period of his teaching school. 37 V. c. 27, s. 80.

Conditions to entitle teachers to share in the fund.

#### (4) *Holidays and Vacations.—Cases of Sickness.*

**50.** Every master or teacher of a High School or Collegiate Institute shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees. 37 V. c. 27, s. 81.

Teacher entitled to salary during holidays and vacations.

**51.** In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 37 V. c. 27, s. 81 (*a*).

Case of sickness. Four weeks allowed.

#### (5) *Registers.*

**52.** Every master of a High School or Collegiate Institute shall keep, in the prescribed form, general, entrance, and daily

Teachers' general and class register.

class registers, and he shall record therein the admission, promotion, removal, or otherwise, of the pupils in his school. 37 V. c. 27, s. 83.

2. The said registers shall be provided at the expense of the school by the trustees thereof. 37 V. c. 27, s. 83 (a).

Masters and teachers defined.

Rev. Stat. cc. 204, 206, 203.

Interpretation.

**53.** In this Act, the words, "legally qualified masters and teacher," and the words "legally qualified teachers," shall mean any persons (male or female) who possess first, second, or third-class certificates of qualification, or who, under this Act, or "*The Public Schools Act*," or "*The Separate Schools Act*," or "*The Act respecting the Education Department*," are legally qualified to act as such masters and teachers; but the said words shall not be held to apply to persons holding interim certificates from an Inspector, or certificates qualifying senior pupils, or other persons to act as monitors or assistants. 37 V. c. 27, s. 104.

## PART VII.

### GENERAL PROVISIONS.

#### I. TERMS AND VACATIONS IN HIGH SCHOOLS.

Terms.

**54.** The High Schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall reopen on the first Tuesday after Easter, and close on the thirteenth day of July; they shall reopen on the first day of September, and close on the twenty-second day of December.

Vacations.

2. There shall be three vacations for High Schools in the year—the Easter vacation shall extend from Good Friday to Easter Monday, inclusive; the Summer vacation shall begin on the fourteenth day of July, and end on the thirty-first day of August, and the Christmas vacation shall begin on the twenty-third day of December, and close on the sixth day of January; and the High School Boards are authorized to dismiss during the period when the intermediate examination is going on in such school, those pupils who are not engaged in the examination. 40 V. c. 16, s. 19.

#### II. PUPILS IN HIGH SCHOOLS.

##### (1) Admission of Pupils.

Board of examiners for the admission of pupils.

**55.** The County, City or Town Inspector of Public Schools the chairmen of the Public and High School or Collegiate Institute Boards, and the head master of the High School or Colle-

giate Institute shall constitute a Board of Examiners for the admission of pupils to the High School or Collegiate Institute. 37 V. c. 27, s. 64 (1).

**56.** The papers of questions prepared for the uniform examination of pupils for admission to High Schools and Collegiate Institutes, by the Central Committee appointed by the Education Department, (with the value assigned to each question, and with directions from the Minister of Education as to any further examinations which the Department may desire to be made *viva voce*) shall be transmitted by the Minister to the Inspector of Public Schools of the City (in case of a City), or of the County (in case of a County), or of a Town in the territorial limits of the County. 37 V. c. 27, s. 64 (1). Papers and instructions to be sent.

**57.** The local Board of Examiners shall have authority to admit provisionally any pupil who duly passes the required examination under the regulations prescribed by this Act, and directions given by the Minister. 37 V. c. 27, s. 64 (2). Provisional admission.

**58.** The Inspector shall prepare a return (in a form to be provided for that purpose), with respect to every examination; and he shall forward the return, together with the answers of the pupils, to the Minister of Education within ten days after the examination, in order that the same may be considered and reported upon to the Minister by the Central Committee; and the Committee shall report thereon, and confirm, disallow, or cancel the admission of any pupil, or may require of any pupil further tests of proficiency in any subject of the prescribed programme of examination. 37 V. c. 27, s. 64 (3). Inspector's return to Minister.  
  
Central Committee.

**59.** Where, in any County or Union of Counties there is a Collegiate Institute, as well as a High School, or where there are in any County or Union of Counties more High Schools than one, or where from illness or other unavoidable cause the Public School Inspector is not able to attend in person, he may appoint another duly qualified person to act as presiding examiner in his place at the examination of candidates for admission to any High School or Collegiate Institute. 37 V. c. 27, s. 64 (4). Inspector may appoint a person to preside

**60.** The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he is not such member) he shall forthwith deliver or transmit to the Inspector to be laid before the Board the examination papers and answers of the candidates. 37 V. c. 27, s. 64 (5). Duties and allowance of such person.

**61.** The County Inspector for the services performed by him in a County or Village under the six preceding sections shall be paid by the Council of the County the same remuneration County Inspector.  
Duties and remuneration.

for his time, travelling and other expenses, as a member of the County Council receives, and such additional allowance as may be determined by such Council. 37 V. c. 27, s. 64 (6).

City or Town  
Inspectors.

**62.** The City or Town Inspector shall be paid by the Public School Board of such City or Town a sum at the rate of five dollars per day while engaged in the examination. 37 V. c. 27, s. 64 (7).

Contingent  
expenses.

**63.** The County Council, or City or Town Board, aforesaid (as the case may be), shall respectively provide for the payment of the Inspector, and also of the contingent expenses of the examination, as certified by the Board of Examiners. 37 V. c. 27, s. 64 (8).

Inspector to  
see to obser-  
vance of regu-  
lations.

**64.** The Inspectors of High Schools shall see that the regulations and programme of examination, provided by the Education Department are duly observed in the admission of pupils to the High Schools and Collegiate Institutes. 37 V. c. 27, s. 64 (9).

### (2) *Residence of pupils.*

Admission of  
pupils from  
county.

**65.** Pupils residing in any part of the County or Union of counties, shall have the right to attend any of the High Schools or Collegiate Institutes in the County or Union of Counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the Town, incorporated Village, or school division, within which the High School or Collegiate Institute is situated. 37 V. c. 27, s. 65.

Exception.

2. This section shall not apply to High Schools or Collegiate Institutes in Cities or in Towns separated from the County or Union of Counties, unless the County Council provides the required equivalent to the Legislative grant. 37 V. c. 27, s. 65 (a).

## III. HIGH SCHOOL SITES AND OTHER PROPERTY.

### (1) *High School Property vested in Trustees.*

High School  
property vest-  
ed in trustees.

**66.** All property heretofore given or acquired in any Municipality, and vested in any person or persons, or corporation, for High School or Collegiate Institute purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of High School or Collegiate Institute trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held. 37 V. c. 27, s. 87.

### (2) *Special Cases. (See also Rev. Stat. c. 207.)*

Provision  
if site be not  
suitable.

**67.** In case any lands in Ontario have been, or after the passing of this Act, are surrendered, granted, devised or



otherwise conveyed to the Crown, or to the trustees of any High School or Collegiate Institute, or to any trustees, in trust for the purposes of, or as a site for, any such High School or Collegiate Institute, or for any other educational institution established in any County or place therein for the benefit of the inhabitants thereof generally, and in case such lands are found not to afford the most advantageous site for such school or institution, or there being no school or institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such school or institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. 37 V. c. 27, s. 88.

**68.** The trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may, (with the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and corporate seal of the Municipality in which such school or institution has been or is to be established,) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Lieutenant-Governor, or any other officer or person for the Crown. 37 V. c. 27, s. 89.

Such lands may be surrendered to the Crown.

**69.** Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Lieutenant-Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same school or institution, or in the case of there being no school bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or Collegiate Institute or other public educational institution established for the benefit of the inhabitants of the Municipality generally, which in the opinion of the Lieutenant-Governor in Council comes nearest in its purposes and designs to that intended by such persons as aforesaid. 37 V. c. 27, s. 90.

Such land to be sold for the benefit of such school, etc.

**70.** If such proceeds are applied to the purchase of lands for High School or Collegiate Institute purposes, the title to such lands may be vested in the Board of Trustees for any High School or Collegiate Institute, by their corporate name; and if there is any surplus of such proceeds after such purchase, or if it is found that no lands are required as a site for, or for other purposes of such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner

Lands purchased with proceeds

as the Lieutenant-Governor in Council deems most for the advantage thereof. 37 V. c. 27, s. 91.

**Purchasers not to see to trusts.** **71.** No purchaser of land from the Crown, under this Act, shall be in any way bound to see to the application of the purchase money. 37 V. c. 27, s. 92.

**Private rights protected.** **72.** Nothing in this Act shall impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. 37 V. c. 27, s. 93.

**Crown may grant such lands, etc.** **73.** The Crown may grant to the trustees of any High School or Collegiate Institute, or of any other public educational institution established for the benefit of the inhabitants of the Municipality generally, and lands which may have been or may, after the passing of this Act, be surrendered, granted, devised or otherwise conveyed to the Crown as aforesaid. 37 V. c. 27, s. 94.

#### IV. HIGH SCHOOL GRANTS AND OTHER MONEYS.

##### (1) *Basis of Apportionment to High Schools.*

**Basis of apportionment to the High Schools.** **74.** The High School grant shall be exclusively applied in aid of High Schools and Collegiate Institutes conducted according to law, and shall be apportioned to each High School and Collegiate Institute, upon the basis, as compared with other High Schools and Collegiate Institutes, of the length of time each such High School or Collegiate Institute is kept open, of the daily average attendance of pupils at such High School or Collegiate Institute, and of their proficiency in the various branches of study named in the programme of studies and general regulations prescribed according to law for High Schools and Collegiate Institutes. 37 V. c. 27, s. 66.

**Inspectors to verify the attendance of pupils.** **75.** The attendance of pupils at every High School and Collegiate Institute shall be certified by the head master and trustees thereof, and shall be verified by an Inspector of High Schools. 37 V. c. 27, s. 67.

**Apportionment to each High School.** **76.** The sums of money apportioned out of the High School grant shall be distributed amongst the several High Schools and Collegiate Institutes within the restrictions imposed by this Act, and under such rules and regulations as may from time to time be made by the Education Department and approved by the Lieutenant-Governor. 37 V. c. 27, s. 68.

**Grant in support of Collegiate Institutes.** **77.** Towards the support of each Collegiate Institute it shall be lawful for the Lieutenant-Governor to authorize the payment of an additional sum, at the rate of and not exceeding

seven hundred and fifty dollars per annum, out of moneys granted for this purpose. 37 V. c. 27, s. 98 (a.)

2. But if in any year the daily average of male pupils studying the Latin or Greek languages falls below sixty, or the number of masters is less than four, the additional grant shall cease for that year. 37 V. c. 27, s. 98 (b.)

(2) *Grant Payable Half-Yearly.*

78. The sums of money apportioned to each High School and Collegiate Institute, shall be payable half-yearly to the Treasurer of the County entitled to receive it, in such manner as may be determined by the Lieutenant-Governor. 37 V. c. 27, s. 69.

High School  
apportionment  
payable half-  
yearly.

(3) *Condition of Paying High School Grant.*

79. All moneys apportioned to a High School or Collegiate Institute by the Minister of Education, together with a sum, at least equal to the *minimum* amount thus apportioned to such school, raised under the authority of this Act, by local municipal assessment, shall be expended in the payment of the salaries of masters and teachers, and for no other purpose. 37 V. c. 27, s. 70; 40 V. c. 16, s. 1 (15).

High School  
Fund to be ex-  
pended on  
teachers' sala-  
ries only.

80. No High School or Collegiate Institute which is not conducted according to this Act, and to the programme, rules and regulations provided by law, shall be entitled to receive any part of the High School Fund; nor unless a sum is provided from local sources, exclusive of fees, at least equal to the *minimum* sum apportioned to such High School or Collegiate Institute, and expended in the payment of teachers' salaries. 37 V. c. 27, s. 71; 40 V. c. 16, s. 1 (16).

Condition of  
sharing in  
High School  
Fund.

V. ALLOWANCE FOR ELEMENTARY MILITARY INSTRUCTION.

81. It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for High School or Collegiate Institute pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty dollars per annum to any school the head master of which has passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months.

Allowance for  
elementary  
military  
instruction.

2. Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct. 37 V. c. 27, s. 99.

## VI. METEOROLOGICAL OBSERVATIONS.

Masters of certain High Schools shall make and transmit meteorological observations.

**82.** The master of every High School or Collegiate Institute at which a meteorological station is, or may be, authorized, shall make the requisite observations for keeping, and shall keep a meteorological journal embracing such observations, and kept according to such form as may from time to time be directed by the Education Department, and all such journals or abstracts of them shall be sent monthly by such master to the Minister of Education. 37 V. c. 27, s. 84.

Meteorological instruments.

**83.** Every authorized High School or Collegiate Institute meteorological station, shall be provided, at the expense of the County, City, or Town with the following instruments :

One barometer ; one thermometer for the temperature of the air ; one Daniel's hygrometer, or other instrument for showing the dew-point ; one rain-gauge and measure ; one wind-vane ; books for registering observations, and forms and abstracts therefor. 37 V. c. 27, s. 85.

Allowance for making meteorological reports.

**84.** Every High School and Collegiate Institute meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, additional to that made to the High School out of the High School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof are furnished to the Minister of Education (according to the form and regulations provided by the Education Department), by the head master observer, who shall certify that the observations required have been made with due care and regularity. 37 V. c. 27, s. 86.

## VII. PROHIBITIONS AND PENALTIES.

Inspector not to hold other offices.

**85.** No Inspector of Schools hereinafter appointed, shall, during his tenure of office, engage in or hold any other employment, office, or calling, which would interfere with the full discharge of his duties as Inspector, as required by law. 37 V. c. 27, s. 100.

No Inspector, trustee, teacher, &c., shall act as agent for the sale of books, maps, &c.

**86.** No teacher, trustee, Inspector, or other person officially connected with the Education Department, the Normal Model, Public, or High Schools, or Collegiate Institutes, shall become or act as agent, for any person or persons, to sell, or in any way to promote the sale, for such person or persons, of any school library, prize or text-book, map, chart, school apparatus, furniture, or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. 37 V. c. 27, s. 101. *See also Rev. Stat. c. 204, s. 227.*



87. Any person who wilfully interrupts or disquiets any High School or Collegiate Institute established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the High School or Collegiate Institute, shall, for each offence, on conviction thereof before a Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town or Village, within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said Justice may think fit. 37 V. c. 27, s. 102.

Penalty for  
disturbing  
High Schools.

## CHAPTER 206.

### An Act respecting Separate Schools.

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Schools, ss. 1-17.  
Conditions of establishment of,  
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mon School elections, s. 39.  
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HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as "*The Separate Schools Act.*"

Short title.

## I. PROTESTANT AND COLOURED SEPARATE SCHOOLS.

Conditions on which separate schools for Protestants or coloured people may be established.

2. Upon the application in writing of twelve or more heads of families resident in any Township, City, Town or Incorporated Village, being Protestants, the Municipal Council of the said Township or the Board of School Trustees of any such City, Town or incorporated Village, shall authorize the establishment therein of one or more Separate Schools for Protestants; and upon the application in writing of twelve or more heads of families resident in any Township, City, Town or incorporated Village, being coloured people, the Council of such Township or the Board of School Trustees of any such City, Town or Incorporated Village, shall authorize the establishment therein, of one or more Separate Schools for coloured people, and in every such case, such Council or Board, as the case may be, shall prescribe the limits of the section or sections of such schools.

Limits.

2. No person shall be deemed a supporter of any Separate School for coloured people, unless he resides within three miles in a direct line of the site of the school house for such separate school; and any coloured child residing farther than three miles in a direct line from the said school house, shall be allowed to attend the Public School of the section within the limits of which the said child resides. C. S. U. C. c. 65, s. 1; 32 V. c. 44, s. 9.

Three trustees.

Election same as in public schools.

Rev. Stat. c. 204.

3. There shall be three trustees for each Separate School, and the first meeting for the election of such trustees, shall be held and conducted in the manner and according to the rules provided in "*The Public Schools Act*" for holding the first school meeting in a new school section. C. S. U. C. c. 65, s. 2.

Commencement and regulations.

4. Each such Separate School shall go into operation at the same time as is provided in the case of altered school sections of Public Schools, and shall, with respect to the persons for whom any school has been established, be under the same regulations as Public Schools generally. C. S. U. C. c. 65, s. 3.

Voters defined.

5. None but coloured people shall vote at the election of trustees of any Separate School established for coloured people, and none but the parties petitioning for the establishment of, or sending children to, a Protestant Separate School, shall vote at the election of trustees of such school. C. S. U. C. c. 65, s. 4.

Union of wards in cities and towns.

6. In any City or Town the persons who make application, according to the provisions of the second section of this Act, may have a Separate School in each ward, or in two or more

wards united, as the said persons may judge expedient. C. S. U. C. c. 65, s. 5.

**7.** No Protestant Separate School shall be allowed in any school section, except when the teacher of the Public School in such section is a Roman Catholic. C. S. U. C. c. 65, s. 6. Special conditions.

**8.** In all Cities, Towns, Incorporated Villages and Township Public School sections in which such Separate Schools exist, each Protestant or coloured person (as the case may be) sending children to any such school or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such Separate School did not exist, must have been rated in order to obtain the annual Legislative Public School Grant, shall be exempt from the payment of all rates imposed for the support of the Public Schools of such City, Town, Incorporated Village and school section respectively, and of all rates imposed for the purpose of obtaining such Public School Grant. C. S. U. C. c. 65, s. 7. Exemption from public school rates.

**9.** The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such Separate School; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school houses, the erection of which was undertaken or entered into before the establishment of such Separate School. C. S. U. C. c. 65, s. 8. Such exemption conditional.

**10.** Such Separate Schools shall not share in any school money raised by Local Municipal Assessment. C. S. U. C. c. 65, s. 9. Not to share in municipal assessment.

**11.** Each such separate school shall share in such Legislative Public School Grant according to the yearly average number of pupils attending such Separate School, as compared with the average number of pupils attending the Public Schools in each such City, Town, Incorporated Village or Township; the mean attendance of pupils for winter and summer being taken. C. S. U. C. c. 65, s. 10. Share of legislative school grant determined.

**12.** A certificate of qualification, signed by the majority of the trustees of such Separate School, shall be sufficient for any teacher of such school. C. S. U. C. c. 65, s. 11. Certificate of teacher.

**13.** The trustees of each such Separate School shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the County Inspector a correct return of the names of all Protestant or coloured persons (as the case may be), who have sent children to, or subscribed as aforesaid for the support of such Separate School during the then last preceding six months, and the names of the children sent, and Half-yearly returns to the Inspector.

the amounts subscribed by them respectively, together with the average attendance of pupils in such Separate School during such period. C. S. U. C. c. 65, s. 12.

Inspector to report to clerk and trustees.

**14.** The County Inspector shall, upon the receipt of such return, forthwith make a return to the Clerk of the Municipality and to the trustees of the Public School section or Municipality in which such Separate School is established, stating the names of all the persons who, being Protestants or coloured persons (as the case may be), contribute or send children to such Separate School. C. S. U. C. c. 65, s. 13.

Clerks and trustees to exempt from rates supporters of separate schools.

**15.** Except for any rate for building school houses undertaken before the establishment of such Separate School, the Clerk shall not include in the Collector's roll for the general or other school rate, and the trustees or Board of trustees shall not include in their school rolls, any person whose name appears upon such last mentioned return. C. S. U. C. c. 65, s. 14.

Clerk to allow use of assessor's roll.

**16.** The Clerk or other officer of the Municipality within which such Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section. C. S. U. C. c. 65, s. 15.

Rev. Stat. c. 204, s. 242, to apply.

**17.** The provisions of the two hundred and forty-second section of "*The Public Schools Act*" shall apply to the trustees and teachers of such Separate Schools. C. S. U. C. c. 65, s. 16.

Separate school trustees to have same power as public school trustees.

**18.** The trustees of each such Separate School shall be a body corporate under the name of "The Trustees of the Separate School of \_\_\_\_\_, (as the case may be) in the Township (City or Town, as the case may be) of \_\_\_\_\_," and shall have the same power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of the Separate School, as the trustees of a Public School section have to impose, levy and collect school rates or subscriptions from persons having property in the section, or sending children to or subscribing towards the support of the Public School of such section. C. S. U. C. c. 65, s. 17.

## II. ROMAN CATHOLIC SEPARATE SCHOOLS.

Five heads of families being Roman Catholics may call a meeting for a separate school.

**19.** Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any Township, incorporated Village or Town, or within any ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics, in



such school section or ward, for the election of trustees for the management of the same. 26 V. c. 5, s. 2.

**20.** A majority of the persons present, being freeholders or householders, and being Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section to act as trustees for the management of such Separate School; and any person, being a British subject, not less than twenty-one years of age, may be elected as a trustee, whether he be a freeholder or householder, or not. 26 V. c. 5, s. 3.

Election of separate school trustees:  
Qualification.

**21.** Notice in writing that such meeting has been held and of such election of trustees, shall be given by the parties present at such meeting to the Reeve or head of the Municipality, or to the Chairman of the Board of Public School Trustees, in the Township, Incorporated Village, Town or City in which such school is about to be established, designating by their names, professions, and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and every such notice shall be delivered to the proper officer by one of the trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice, the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the Section number \_\_\_\_\_, in the Township of \_\_\_\_\_, or for the ward of \_\_\_\_\_, in the City or Town (as the case may be) or for the Village of \_\_\_\_\_, in the County of \_\_\_\_\_." 26 V. c. 5, s. 4.

Written notice of such meeting to be given, and to whom and in what manner.  
Corporate name of trustees.

**22.** The Trustees of Separate Schools heretofore elected, or hereafter to be elected according to the provisions of this Act, in the several wards of any City or Town, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town) of \_\_\_\_\_." 26 V. c. 5, s. 5.

Union of wards in towns or cities.

**23.** It shall be lawful for the majority of the rate-paying supporters of the Separate Schools, in each Separate School section, whether the sections be in the same or adjoining Municipalities, at a public meeting duly called by the Separate School trustees of each such section, to form such sections into a Separate School union section, of which union of sections the trustees shall give notice within fifteen days to the Clerk or Clerks of the Municipality or Municipalities, and to the Minister of Education; and each such Separate School union section thus formed, shall be deemed one school section for all Roman

Notice for union of school sections, for a separate school.  
Union formed.

Catholic Separate School purposes, and shall every year thereafter be represented by three trustees, to be elected as in Public School sections. 26 V. c. 5, s. 6 ;

Corporate  
name of trust-  
tees for union.

2. And the said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be). 26 V. c. 5, s. 6 (2).

Powers of  
trustees.

24. The trustees of Separate Schools forming a body corporate under this Act, shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall have all the powers in respect of Separate Schools, that the trustees of Public Schools have and possess under the provisions of "*The Public Schools Act.*" 26 V. c. 5, s. 7.

Rev. Stat. c.  
204.

Trustees may  
copy assess-  
ment roll of  
Municipality.

25. The Clerk or other officer of a Municipality within or adjoining which a Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall allow any one of the said trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the Separate School under their charge. 26 V. c. 5, s. 8.

Declaration by  
trustees of  
separate  
schools.

26. The trustees of Separate Schools shall take and subscribe the following declaration before any Justice of the Peace, Reeve or Chairman of the Board of Public Schools :

"I, \_\_\_\_\_, will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have been elected :"

And they shall perform the same duties and be subject to the same penalties as trustees of Public Schools ; and teachers of Separate Schools shall be liable to the same obligations and penalties as teachers of Public Schools. 26 V. c. 5, s. 9.

Term of office  
of trustees.

27. The trustees of Separate Schools shall remain respectively in office for the same periods of time that the trustees for Public Schools do, and as is provided by the forty-ninth section of "*The Public Schools Act ;*" but no trustee shall be re-elected without his consent, unless after the expiration of four years from the time he went out of office.

Rev. Stat.  
c. 204, s. 49.

Proviso :  
in case of  
united boards  
in cities and  
towns.

2. Wherever in any City or Town divided into wards, a united Board now exists, or is hereafter established, there shall be for every ward two trustees, each of whom, after the first election of trustees, shall continue in office two

years and until his successor has been elected, and one of such trustees shall retire on the second Wednesday in January, yearly in rotation. 26 V. c. 5, s. 10.

**28.** After the establishment of any Separate School, the trustees thereof shall hold office for the same period and be elected at the same time each year that the Trustees of Public Schools are, and all the provisions of "*The Public Schools Act*," relating to the mode and time of election, appointments and duties of Chairman and Secretary at the annual meeting, term of office and manner of filling up vacancies, shall be deemed and held to apply to this Act. 26 V. c. 5, s. 11.

As to time and mode of elections.

Certain provisions of Rev. Stat. c. 204, to apply.

**29.** The trustees of Separate Schools may allow children from other school sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of such parents or guardians; and no children attending such School shall be included in the return hereafter required to be made to the Minister of Education, unless they are Roman Catholics. 26 V. c. 5, s. 12.

Children from other school sections.

**30.** The teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as Public School teachers generally; but the persons qualified by law as teachers, shall be considered qualified teachers for the purpose of this Act. 26 V. c. 5, s. 13.

Certificates to teachers of separate schools.

**31.** Every person paying rates, whether as proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives to the Clerk of the Municipality notice in writing that he is a Roman Catholic, and supporter of a Separate School situated in the said Municipality or in a Municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Public Schools, and of Public School Libraries, or for the purchase of land or erection of buildings for Public School purposes, within the City, Town, incorporated Village or section, in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a Separate School; and such notice shall not be required to be renewed annually; and it shall be the duty of the trustees of every Separate School to transmit to the Clerk of the Municipality or Clerks of Municipalities (as the case may be), on or before the first day of June in each year, a correct list of the names and residences of all persons supporting the Separate Schools under their management; and every ratepayer whose name does not appear on such list, shall be rated for the support of Public Schools. 26 V. c. 5, s. 14.

Supporters of separate schools exempted from payment of public school rates, on giving a certain notice.

Notice need not be renewed yearly.

Certificates  
notice.

**32.** Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice. 26 V. c. 5, s. 15.

Penalty for  
wilful false  
statements in  
such notice.

**33.** Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of forty dollars, recoverable with costs, before any Justice of the Peace at the suit of the Municipality interested. 26 V. c. 5, s. 16.

Exemption as  
to rates im-  
posed before  
separate  
school estab-  
lished.

**34.** Nothing in the last three preceding sections contained, shall exempt any person from paying any rate for the support of Public Schools or Public School Libraries, or for the erection of a School House or School Houses, imposed before the establishment of such Separate School. 26 V. c. 5, s. 17.

Persons with-  
drawing sup-  
port from Se-  
parate School,  
to give notice.

**35.** Any Roman Catholic who may desire to withdraw his support from a Separate School, shall give notice in writing to the Clerk of the Municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such School;

Proviso.

2. But any person who has withdrawn his support from any Roman Catholic Separate School, shall not be exempted from paying any rate for the support of Separate Schools or Separate School Libraries, or for the erection of a Separate School House, imposed before the time of his withdrawing such support from the Separate School. 26 V. c. 5, s. 18.

Residence of  
supporters of  
separate  
schools.

**36.** No person shall be deemed a supporter of any Separate School unless he resides within three miles (in a direct line) of the site of the School House. 26 V. c. 5, s. 19.

Separate  
schools enti-  
tled to a share  
of the public  
grant.

**37.** Every Separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Public Schools, and shall be entitled also to a share in all other public grants, investments and allotments for Public School purposes now made or hereafter to be made by the Province or the Municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending school in the same City, Town, Village or Township. 26 V. c. 5, s. 20.

But not to  
any share of  
local assess-  
ment for pu-  
lic schools.

**38.** Nothing herein contained shall entitle any such Separate School within any City, Town, incorporated Village or Township, to any part or portion of school moneys arising or accruing from local assessment for Public School purposes



within the City, Town, Village or Township, or the County or Union of Counties within the City, Town, Village or Township is situate. 26 V. c. 5, s. 21.

**39.** No person subscribing towards the support of a Separate School, established as herein provided, or sending children thereto, shall be allowed to vote at the election of any trustee for a Public School in the City, Town, Village, or Township, in which such Separate School is situate. 26 V. c. 5, s. 25.

Supporters of separate schools not to vote at elections of public school trustees.

**40.** The election of trustees for any Separate School shall become void, unless a Separate School is established under their management, within three months from the election of such trustees. 26 V. c. 5, s. 24.

Election of trustees, when to become void.

**41.** The trustees of each Separate School shall, on or before the thirtieth day of June, and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall, thereupon, determine the proportion which the trustees of such Separate School are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such trustees. 26 V. c. 5, s. 22.

Return to be transmitted by trustees.

**42.** The Minister of Education, all Judges, Members of the Legislature, the heads of the Municipal bodies in their respective localities, the Inspectors of Public Schools, and the Clergymen of the Roman Catholic Church, shall be Visitors of Separate Schools. 26 V. c. 5, s. 23.

Visitors of separate schools.

**43.** The Roman Catholic Separate Schools (with their Registers,) shall be subject to such inspection as may be directed from time to time, by the Minister of Education, and shall be subject also, to such regulations, as may be imposed, from time to time, by the Education Department. 26 V. c. 5, s. 26.

Inspection of schools by Minister of Education.

**44.** In the event of any disagreement between trustees of Roman Catholic Separate Schools, and Inspectors of Public Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject, nevertheless, to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. 26 V. c. 5, s. 27. See also *Rev. Stat. c. 203, s. 6 (3)*.

Disagreement between trustees, Inspectors, &c.

## CHAPTER 207.

## An Act respecting Conveyances to Trustees for School Purposes.

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Conveyance to trustees for school sites, s. 1.	Powers of trustees, s. 2.
	Registration of deed, s. 3.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance of property for school sites to trustees.

**1.** In case any persons residing in Ontario, interested in any school established in any City, Town, Village, or Township therein, whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint any number of trustees, not exceeding seven nor less than five, to whom, and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. 37 V. c. 27, s. 95.

Powers of trustees to hold.

**2.** Any such trustees, and their successors in perpetual succession, by the name expressed in such deed, may take, hold, and possess such real property, and commence and maintain any action at Law or in Equity for the protection thereof, and of their right thereto; but there shall not be held in trust as aforesaid, more than ten acres of land at any time, for any one school.

**2.** This section shall not extend to Public Schools. 37 V. c. 27, s. 96.

Registration of deed.

**3.** The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the Registry Office of the Registration Division in which the land lies. 37 V. c. 27, s. 97.

[See also *Rev. Stat.* c. 205, ss. 67-73.]

## CHAPTER 208.

## An Act respecting Upper Canada College and Royal Grammar School.

Management, s. 1.  
Visitors, s. 2.  
Officers, ss. 3, 4.

Provisions for government, &c., of  
ss. 5-8.  
No religious test required, s. 9.  
Annual Report, s. 10.

HER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The Upper Canada College and Royal Grammar School, Who to control U. C. College.  
and all the affairs and business thereof, shall be under the  
control, management and direction of the Chancellor, Vice-Chancellor and members of the Senate of the University of Toronto, subject to the provisions of this Act. C. S. U. C. c. 62, s. 55.

2. The Lieutenant-Governor shall be the Visitor of the said Lieutenant-Governor to be the Visitor  
College and Royal Grammar School, on behalf of Her Majesty,  
and his visitatorial powers may be exercised by Commission under the Great Seal, the proceedings whereof, having been first confirmed by the Lieutenant-Governor in Council, shall be binding upon the said College and Royal Grammar School, and upon the said Senate and all others whomsoever. C. S. U. C. c. 62, s. 56.

3. There shall be in the College and Royal Grammar School a Principal, and such masters, officers and servants as may from time to time be directed by any statute of the said Senate relating to the said institution, approved as hereinafter mentioned, and the salary and emoluments attached to each such office shall be from time to time fixed by such statute. C. S. U. C. c. 62, s. 60.

4. The Principal, masters, officers and servants shall be appointed by the Lieutenant-Governor, and shall hold office during his pleasure; but until otherwise ordered by the Lieutenant Governor, the present Principal, masters, officers and servants of the said institution shall remain in office, and until otherwise ordered by such statutes the salaries and emoluments attached to the several offices shall be those now attached to the same respectively. C. S. U. C. c. 62, s. 61.

Senate of University to make statutes for the government of this institution.

**5.** The Chancellor, Vice-Chancellor and members of the Senate of the University of Toronto may make statutes for the good government, conduct and regulation of the said College and Royal Grammar School and of the Principal, masters, pupils, officers and servants thereof, for regulating the fees to be paid by pupils receiving instruction in the said College, and in cases in which no provision is made by law, may make statutes generally for the management of the business and affairs thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit, such statutes not being inconsistent with the provisions of this Act or the laws of the Province; and may from time to time amend or repeal the same. C. S. U. C. c. 62, s. 57.

And for empowering the principal to make regulations for the internal management.

**6.** The Chancellor, Vice-Chancellor and Senate may by any such statutes empower the Principal to make regulations for the government of the masters and pupils, officers and servants, and for the conduct and discipline of the said College and Royal Grammar School, in such matters and to such extent as may be limited in such statutes, and subject to such control or approval as may be therein mentioned. C. S. U. C. c. 62 s. 58.

Statutes to have no force until approved by the Visitor.

**7.** No such statute shall have force or effect until it has been submitted to the Visitor of the said College and Royal Grammar School, and by him approved; and a certified copy of each such statute shall be transmitted to the Provincial Secretary within ten days from the passing thereof, to be submitted to the said Visitor for his approval. C. S. U. C. c. 62, s. 59.

Present statutes to remain in force until repealed.

**8.** All statutes, rules and ordinances of the said College and Royal Grammar School in force on the day this Act takes effect, and which are not inconsistent with the provisions hereof, shall be and continue in force until repealed, altered or amended by some statute made as aforesaid for that purpose. C. S. U. C. c. 62, s. 62.

No religious test, &c., to be required.

**9.** No religious test or profession of religious faith shall be required of any Principal, master, pupil, officer or servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination, be imposed on them or any of them; but the Chancellor, Vice-Chancellor and members of the Senate of the University of Toronto may, by statute, make such regulations as they think expedient touching the moral conduct of the pupils and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes. C. S. U. C. c. 62, s. 63.

Senate to make annual report

**10.** The Chancellor, Vice-Chancellor and members of the Senate of the University of Toronto shall annually report to



the Lieutenant-Governor, at such time as he may appoint, on the general state, progress and prospects of the College and Royal Grammar School, and upon all matters touching the same, with such suggestions as they may think proper to make; and shall also, at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the said College and Royal Grammar School; and copies of such annual or other reports shall be laid before the Legislative Assembly at the then next Session thereof. C. S. U. C. c. 62, s. 64.

to the Lieutenant-Governor.

Copies to be laid before Legislative Assembly.

## CHAPTER 209.

### An Act respecting University College.

College Council and Officers continued, s. 1.	Professorships, ss. 9-16.
Visitor, s. 2.	Endowments vested in Crown, s. 17.
Council, powers, &c., of, ss. 3-8.	No religious test required, s. 18.
Studies to be pursued, ss. 9, 10.	Annual report, s. 19.

**H**ER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The collegiate institution heretofore constituted at the City of Toronto by the name of "University College," and the body corporate called "The Council of University College," and the President, Professors, officers, servants, and all other existing appointments, and all statutes, by-laws, rules and regulations of such Council, are hereby continued, subject to the provisions of this Act. C. S. U. C. c. 62, s. 39.

College president, etc., to continue as before.

**2.** The Lieutenant-Governor shall be the Visitor of the said College on behalf of the Crown, and his visitatorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission so appointed being confirmed by the Lieutenant-Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever. C. S. U. C. c. 62, s. 42.

Lieutenant-Governor to be Visitor.

The Council of University College to manage the College, etc.

**3.** The said College shall be under the direction, management and administration of the said body corporate called The Council of University College, and such body corporate shall have perpetual succession and a common seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have other the usual powers of corporate bodies, according to "*The Interpretation Act*," subject to the said provisions. C. S. U. C. c. 62, s. 40.

Rev. Stat. c.1. s. 8 (24).

Members of the Council.

**4.** The said Corporation shall consist of a President, Vice-President, and such Professors as may from time to time be appointed to chairs in the said University College. C. S. U. C. c. 62, s. 41.

Dean of University College.

**5.** The Dean of Residence in University College for the time being shall be a member of the Council of the said College. 36 V. c. 29, s. 48.

Meetings of the Council.

**6.** The President, or in his absence the Vice-President, or if both be absent, then the senior member of the Council present, shall preside at all meetings of the said Council, and in case of an equal division of votes among the members present, the rule *præsumitur pro negante* shall prevail; and among members appointed at the same time, or on the same day, the order in which their appointments were made shall be the order of seniority; and all such meetings shall be held at the times to be prescribed by the statutes of the said College. C. S. U. C. c. 62, s. 43.

Quorum.

**7.** Any five members of the said Council shall be a quorum for transacting the business of the Council and doing all things which the Council may lawfully do; and all things done at any meeting of the Council shall be ordered by the majority of votes of the members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes. C. S. U. C. c. 62, s. 44.

Majority to decide.

Council to make statutes for certain purposes.

**8.** The said Council may make statutes for the good government, discipline, conduct and regulation of the said College, and of the professors, teachers, students, officers and servants thereof for regulating the fees to be paid by students, or persons attending lectures or receiving instruction in the said College, and the times of regular meetings of the Council, and generally for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made, so that such statutes be not inconsistent with this Act or the laws of this Province; and the Council may from time to time amend or repeal the same.

2. A certified copy of all such statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the Visitor of the said College for his approval. And no statute made by the said Council shall have force and effect until it has been submitted to the said Visitor and by him approved. C. S. U. C. c. 62, s. 45.

Which shall be transmitted to Provincial Secretary.

And approved by Lieutenant-Governor.

9. There shall be in the said College such professors, lecturers and teachers, and there shall be taught in the said College such sciences, arts and branches of knowledge, as the Council, by statutes in that behalf, from time to time determines, such statutes being consistent with the statutes of the University of Toronto, as regards the prescribed subjects of examination; but there shall be no professor or teacher of Divinity in the said College, and there shall be no professorship or teachership of Law, or of any of the branches of Medicine or Surgery, except in so far as the same may form part of a general system of liberal education. C. S. U. C. c. 62, s. 46.

Council to determine the branches of knowledge to be taught.

10. The Lieutenant-Governor in Council may, upon the recommendation of the Senate, establish such other professorships or chairs in any department of knowledge, science or art in University College, as may promote the further efficiency and usefulness of said College. 36 V. c. 29, s. 50.

New professorships.

11. The President and Vice-President, Professors, lecturers, teachers, officers and servants of the said College shall be appointed by the Lieutenant-Governor, after such examination, inquiry and report as he considers necessary, and shall hold office during his pleasure. C. S. U. C. c. 62, s. 47.

President, &c., to be appointed by the Lieutenant-Governor.

12. The Senate of the University, upon representations made to it in that behalf, may inquire into the conduct or efficiency of any professor in University College, and report to the Lieutenant-Governor the result of such inquiry, and may make such recommendations as the Senate may think the circumstances of the case require. 36 V. c. 29, s. 49.

Powers of Senate over Professors of University College

13. To remove doubts, it is hereby declared that the Lieutenant-Governor in Council may appropriate from the general Income Fund such sum or sums as may from time to time be necessary for providing retiring allowances or gratuities to aged and infirm professors, lecturers, teachers, and officers, upon their resignation or other deprivation of their respective offices. 36 V. c. 29, s. 51.

Retiring allowances to Professors, &c.

14. Any person, body politic or corporate may found Professorships, Fellowships, Lecturerships, Scholarships, Exhibitions, prizes and other rewards in the said College, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes

Professorships may be founded by private parties, and how.

of the said College, and thereupon suing out letters patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid. C. S. U. C. c. 62, s. 49.

Letters patent shall set forth rules, &c.

**15.** In such letters patent shall be set forth such rules and regulations for the appointing to and conferring of such Professorships, Fellowships, Lecturerships, Scholarships, Prizes or other rewards as the respective founders thereof, with the approbation of the Crown, think fit to prescribe for that purpose, all which rules and regulations the authorities of the said College shall observe and give effect to, as in the said letters patent may be directed. C. S. U. C. c. 62, s. 50.

Certain professorships prohibited.

**16.** No Professorship or Lecturership shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College. C. S. U. C. c. 62, s. 52.

Endowment to be vested in the Crown.

**17.** Every endowment of lands or other property of the endowment as aforesaid shall be vested in the Crown for the purposes for which it was given, and also any property, real or personal, given, devised or bequeathed to the said College or for the use thereof. C. S. U. C. c. 62, s. 51.

No religious test, &c., to be required.

**18.** No religious test or profession of religious faith shall be required of any professor, lecturer, teacher, student, officer or servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination, be imposed on them or any of them; but the Council may make such regulations as they think expedient touching the moral conduct of the students and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes. C. S. U. C. c. 62, s. 48.

Council to report annually to the Lieutenant-Governor.

**19.** The Council of the said College shall annually report to the Lieutenant-Governor, at such time as he may appoint, on the general state, progress and prospects of the College, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Council shall also, at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the said College; and copies of such annual or other reports shall be laid before the Legislative Assembly of this Province at the then next Session thereof. C. S. U. C. c. 62, s. 53.

Copies to be laid before the Legislative Assembly.



## CHAPTER 210.

## An Act respecting the University of Toronto.

## University of Toronto :

A corporation, ss. 1, 2.

Members of Corporation, s. 3.

Functions of, s. 4.

Lieutenant-Governor to be Visitor, s. 5.

The Chancellor, ss. 6, 7.

The Vice-Chancellor, ss. 8, 9.

The Senate, ss. 10, 11.

Convocation, ss. 12, 13.

Election of Chancellor and members of Senate, ss. 14-26.

Tenure of office, s. 27.

Vacancies how filled, ss. 27-28.

Retiring Senators, re-eligible, s. 29.

Appointment of Senators by Lieutenant-Governor, ss. 30-33.

## Senate :

Proceedings of, ss. 34-36.

Powers and duties of :

As to property, s. 37.

As to degrees and certificates of honour, etc., ss. 38-43.

Power to make statutes, ss. 44-48.

Existing statutes continued, s. 49.

Annual report to Legislature, s. 50.

Examinations and Affiliation, ss. 51-63.

## Convocation :

Powers of, s. 64.

Meetings of, ss. 65-69.

Chairman of, ss. 70-71.

Proceedings of, ss. 72-74.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

## UNIVERSITY OF TORONTO.

1. So much of the Charter granted by His late Majesty <sup>Royal</sup> King George the Fourth, dated at Westminster the fifteenth <sup>Charter</sup> day of March, in the eighth year of His Reign, for the establishment of a College in Upper Canada, called "King's College," and incorporated by the name of "The Chancellor, President and Scholars of King's College at York, in the Province of Upper Canada," as is not inconsistent with this Act, shall remain in force. C. S. U. C. c. 62, s. 1.

2. The name of the said College having been, by Act of <sup>Corporate</sup> the Provincial Legislature, changed to "The University of <sup>name of</sup> Toronto," the University established by the Charter aforesaid <sup>University.</sup> and shall continue and be called "The University of Toronto," and shall continue to be a body corporate, with the powers vested in corporate bodies by "*The Interpretation Act*," with power to <sup>Rev. Stat. c.1</sup> hold any real property assigned to it under the provisions of <sup>s. 8 (24).</sup> any former Act or of this Act, and with such other powers and <sup>General pow-</sup> privileges as are conferred upon it by those portions of the said <sup>ers.</sup>

Charter remaining in force, or by any such former Act, but such powers shall be exercised in accordance with the provisions of this Act; and the Chancellor and Vice-Chancellor, and the Senate and all other officers and servants, and all existing appointments, by-laws, rules and regulations affecting such University, shall continue subject to the provisions of this Act. C. S. U. C. c. 62, s. 2.

Corporation of the University, how composed.

**3.** The Corporation of the University of Toronto shall hereafter consist of the Chancellor, Vice-Chancellor, and members of the Senate and of Convocation for the time being. 36 V. c. 29, s. 1.

Functions of University defined.

**4.** There shall be no professorship or other teachership in the said University of Toronto, but its functions shall be limited to the examining of candidates for degrees in the several Faculties, or for scholarships, prizes, or certificates of honour in different branches of knowledge, and to the granting of such degrees, scholarships, prizes and certificates, after examination, in the manner hereinafter mentioned. C. S. U. C. c. 62, s. 3.

Lieutenant-Governor to be Visitor.

**5.** The Lieutenant-Governor shall continue to be the Visitor of the said University on behalf of Her Majesty, and his visitatorial powers may be exercised by commission under the Great Seal, and the proceedings of such commission, having been first confirmed by the Lieutenant-Governor, shall be binding on the said University and its members, and on all others whomsoever. C. S. U. C. c. 62, s. 6.

#### THE CHANCELLOR.

Election of Chancellor.

**6.** The Chancellor of the said University shall be elected by the members of Convocation in the manner hereinafter mentioned. 36 V. c. 29, s. 4.

Term of office of Chancellor.

**7.** The office of Chancellor of the said University shall be a triennial one—that is to say, the term of office of each Chancellor shall expire on the election of his successor, in the year next but two after that in which he was elected; and the day on which the Chancellor shall be elected shall be appointed by statute of the Senate; and the members of Convocation entitled to vote shall on that day (of which notice shall be given in such a manner as shall be directed by statute of the Senate) elect a fit and proper person to be Chancellor, and thereupon the term of office of the then Chancellor shall expire, and so from time to time triennially; or in the case of the death, resignation or other vacancy in the office of any such Chancellor before the expiration of his term of office, then, at a special election to be holden for that purpose (of which election

Vacancy in the office of Chancellor, how filled.

notice shall be given in such manner as may be provided by Statute of the Senate,) the members of Convocation entitled to vote shall elect a Chancellor for the remainder of the term in which such death, resignation or other avoidance may happen. 36 V. c. 29, s. 5.

#### THE VICE-CHANCELLOR.

8. The office of Vice-Chancellor of the said University shall be biennial—that is to say, the term of office of each Vice-Chancellor shall expire on some day in the calendar year next but one after that in which he was appointed or elected, and the day on which the term of office is to expire shall be appointed by statute of the University; and at a meeting of the Senate to be holden on some day within the month next before the expiration of the said term of office (of which meeting notice shall be given in the manner directed by statute of the University,) the members of the Senate shall elect some one of such members to be Vice-Chancellor when the term of office of the then Vice-Chancellor expires, and so from time to time biennially. C. S. U. C. c. 62, s. 8.

Office of Vice-Chancellor shall be biennial,

And elective by Senate.

9. In case of the death, resignation, or other vacancy in the office of any such Vice-Chancellor before the expiration of his term of office, the members of the Senate shall, at a meeting to be holden by them for that purpose as soon as conveniently may be, of which notice shall be given in manner aforesaid, elect one other of the said members of the Senate to be Vice-Chancellor for the remainder of such term. C. S. U. C. c. 62, s. 9.

Vacancies to be filled up by the Senate.

#### THE SENATE.

10. The Senate shall consist of the Chancellor and twenty-four other members, exclusive of *ex officio* members, of whom fifteen shall be elected by Convocation in manner hereinafter provided, and nine appointed by the Lieutenant-Governor of the Province, under his hand and seal at arms. 36 V. c. 29, s. 2.

Senate, how composed.

11. The persons filling the following offices for the time being—viz.: the Minister of Education for this Province; the President of University College; a representative appointed by the Law Society of Ontario; the Principal of Upper Canada College; a representative for the time being appointed by each College or School in this Province affiliated, or hereafter to be affiliated, with the said University; a representative for the time being elected by the High School Masters of Ontario, as hereinafter provided; and all former Chancellors and Vice-Chancellors of the said University—shall respectively be *ex officio* members of the Senate; and two members of the Coun-

*Ex-officio* members of Senate.

cil of University College shall also biennially in rotation become members of the Senate, and such rotation shall proceed by seniority until each member of the Council has in turn become a member of the Senate, and so successively, and in case the member of the Council in rotation at any time is otherwise of the Senate, then the office shall fall to the next member of the Council; and the Registrar of the said College shall from time to time certify to the Registrar of the University, the members of said Council who under this provision become members of the Senate. 36 V. c. 29, s. 3.

#### CONVOCATION.

Convocation  
of the  
University.

**12.** The following graduates of the University for the time being shall constitute the Convocation of the University—all Doctors and Bachelors of Law, all Doctors and Bachelors of Medicine, all Masters in Surgery, all Masters of Arts, all Bachelors of Arts of three years' standing, all Doctors of Science, and all Bachelors of Science of three years' standing, and also all graduates holding such other degrees to be hereafter conferred by the University as may be recognized as qualifications for admission to Convocation in manner hereinafter provided. 36 V. c. 29, s. 7.

Register of  
graduates.

**13.** A register of the graduates constituting for the time being the Convocation of the said University shall be kept by the Registrar of the University; and such register shall be conclusive evidence that any person whose name appears thereon at the time of his claiming to vote as a member of Convocation is so entitled to vote, and that any person whose name does not so appear is not so entitled to vote. 36 V. c. 29, s. 8.

#### ELECTION OF CHANCELLOR AND MEMBERS OF SENATE.

Election  
register.

**14.** The Registrar of the University shall, at least one month previous to the time of any election under this Act, make out an alphabetical list or register, to be called "The Election Register," of the names and known addresses of the members of Convocation, being graduates of the University as aforesaid, who are entitled to vote at such election; and shall put up a copy of said register at the entrance hall annually after Convocation; and such register may be examined by any member of Convocation at all reasonable times at the office of the said Registrar; and no person whose name is not inserted in the said list shall be entitled to vote at such election.

Errors.

2. In case any member of Convocation complains to the said Registrar in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the said Registrar



forthwith to examine into the said complaint, and rectify such error if any there be; and it further shall be the duty of the Registrar to make out such list annually after Commencement when degrees are conferred, and to put up copies thereof in the entrance hall of the University. 36 V. c. 29, s. 9.

How corrected.

**15.** The votes at any election by Convocation shall be given for the Chancellor and for the members of the Senate respectively by closed voting papers, in the form in the Schedule to this Act, or to the like effect, being delivered to the Registrar of the University at such time and place, prior to the closing of such election, as may be prescribed by statute of the Senate, and any voting papers received by the said Registrar by post during the time of such election, or during the preceding week, shall be deemed as delivered to him for the purpose of such election. 36 V. c. 29, s. 10.

How votes are to be given.

**16.** It shall be the duty of the Registrar to send to each graduate of the University, whose name is on the register or list of persons entitled to vote, where his residence is known to the Registrar, one copy of the form of voting paper in the Schedule to this Act, applicable to the election or elections then next to be held; and such form shall be sent in such manner and at such time before the holding of such election as may be directed by statute of the Senate. 36 V. c. 29, s. 11.

List of voters to be sent to graduates.

**17.** It shall be the duty of the said Registrar to send with the said form of voting paper a list of those persons then already members of the Senate, and of those whose retirement has created the vacancies to be filled at the then ensuing election. 36 V. c. 29, s. 12.

List of members of Senate to be sent with list of voters.

**18.** The said voting papers shall, upon the appointed day of election, and at an hour to be stated by the statute, be opened by the Registrar of the University in the presence of the scrutineers to be appointed as hereinafter mentioned, who shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided by the Senate. 36 V. c. 29, s. 13.

Opening voting papers.

**19.** The person who has the highest number of votes at any election for Chancellor by voting papers in the form of the Schedule to this Act shall be Chancellor of the University for the term of office then next ensuing, or for the unexpired portion of the then current term, as the case may be. 36 V. c. 29, s. 14.

Election of Chancellor.

**20.** The fifteen persons who have the highest number of votes for members of the Senate by voting papers in the form

Election of members of Senate.

of said Schedule shall be the fifteen elective members of the Senate of the said University. 36 V. c. 29, s. 15.

Who may be present at opening of papers.

**21.** Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers. 36 V. c. 29, s. 16.

Equality of votes.

**22.** In case of an equality of votes between two or more persons, which leaves the election of the Chancellor, or of one or more members of the Senate, undecided, then the said scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each such candidate, and the Registrar of the University shall draw by chance from such ballot-box, in the presence of the said scrutineers, one of such papers in the case of the election of Chancellor, and one or more of such papers in the case of the election of members of the Senate, sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be respectively the Chancellor and such members of the Senate. 36 V. c. 29, s. 17.

Declaration of result of election.

**23.** Upon the completion of the counting of the votes and of the scrutiny, the Vice-Chancellor, or other person acting as and for him, shall forthwith declare the result of the election to the Senate of the University; and shall, as soon as conveniently may be, report the same in writing, signed by himself and by the scrutineers, to the Senate and to the Secretary of the Province. 36 V. c. 29, s. 18.

Appointment of scrutineers.

**24.** The Senate of the University, or in default, the Chancellor, shall, at least two weeks previous to such election, appoint two persons who, with the Vice-Chancellor, shall act as scrutineers at the next ensuing election; and the said Senate, or in default, the Chancellor, shall also, at the same time, appoint a member of the Senate, who shall act for and as the Vice-Chancellor, should he be absent from such election. 36 V. c. 29, s. 19.

Informal voting papers.

**25.** In the event of any elector placing more than one name on his voting paper for Chancellor, or more than the required number on his voting paper for members of the Senate, the first name only shall be taken for Chancellor, and the first names only, not exceeding the required number, shall be taken for the members of the Senate. 36 V. c. 29, s. 20.

Election of representative of High Schools.

**26.** The Registrar of the University shall, at least one month before the eighth day of May in each year, obtain from the Education Department the name of the Head Master of each of the High Schools in this Province, and make a list of such names, and shall thereupon send a copy of such list to each of the said

High School Masters, and request them to elect from amongst the names on such list a representative to the Senate of the University.

2. Such representative shall hold office for the term of two years, and all the provisions of this Act with respect to the election of a Chancellor or member of the Senate, and as to filling vacancies and otherwise, shall be applicable to such representative. 36 V. c. 29, s. 21.

**27.** Vacancies in the Senate, by expiry of term of service, shall be three in each year; the rotation of retirement at present existing (as heretofore determined by ballot pursuant to the twenty-second section of the Act passed in the thirty-sixth year of Her Majesty's reign and chaptered twenty-nine) being adhered to; and on such day in each year as may be appointed by statute of Senate, three persons shall be elected by Convocation in manner aforesaid, to fill the vacancies thus arising, and to be members of the Senate for the five years then next ensuing such election. 36 V. c. 29, s. 23.

Vacancies by expiry of term, how filled.

36 V. c. 29, s. 22.

**28.** If at any time, by death or resignation, or otherwise than by retirement by rotation, the number of the members of the Senate elected thereto by Convocation is reduced below the number of fifteen, then at the next ensuing annual election to be held as directed by section twenty-seven of this Act, such additional persons shall be elected, in manner therein provided, as may be necessary to complete the number of elected members of the Senate to the number of fifteen. 36 V. c. 29, s. 39.

Vacancies by death or resignation, how filled.

**29.** At all elections to take place under this Act, all retiring Chancellors or members of the Senate shall be eligible for re-election. 36 V. c. 29, s. 40.

Former Chancellors, etc., eligible for re election.

#### APPOINTMENT OF SENATORS BY LIEUTENANT-GOVERNOR.

**30.** The Lieutenant-Governor of this Province may appoint nine persons to be members of the Senate of the said University. 36 V. c. 29, s. 35.

Appointments by the Crown.

**31.** Of the nine persons so appointed by the Lieutenant-Governor, three shall retire in each year in rotation according to seniority of appointment, and the vacancies in the Senate respectively created by such retirements in each year, shall from time to time be filled by appointment by the Lieutenant-Governor, the members so appointed holding office for three

Crown appointees, their term of office.

years and retiring by rotation at the expiration of the said term. 36 V. c. 29, s. 36.

Crown appointees to be notified to the Registrar.

**32.** Whenever any such appointment is so made by the Lieutenant-Governor to fill vacancies, whether on retirement by rotation, or from other cause arising, the Secretary of the Province for the time being shall forthwith communicate the name of the person so appointed to the Registrar of the University. 36 V. c. 29, s. 37.

Provision when vacancies are not filled by Lieutenant-Governor.

**33.** If at any time, by death or otherwise, the number of the said appointed members of the Senate is reduced below the number of nine, and remains reduced for three months, then and in such case, and as often as the same happens, if the Lieutenant-Governor does not think proper to complete the said number by appointment, the members of the Senate may at a meeting to be holden for that purpose, (of which notice shall be given to the Provincial Secretary, and to the members of the Senate in such manner as may be provided by statute of Senate,) elect one or more fit and proper persons to be members of the Senate in addition to the then remaining appointed members thereof, to the end that by means of such election the number of nine appointed members of the Senate may thus be completed; and such members so elected to vacancies by the Senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively. 36 V. c. 29, s. 38.

#### PROCEEDINGS OF SENATE.

Majority to decide, etc.

**34.** All questions which come before the Chancellor, Vice-Chancellor and members of the Senate, shall be decided by the majority of the members present; but in case of equality of votes, the maxim *præsumitur pro negante* shall prevail. C. S. U. C. c. 62, s. 17.

Quorum.

**35.** No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor, and four other members of the Senate, or in the absence of the Chancellor and Vice-Chancellor, unless five other members of the Senate, at the least, are present at the time of such decision, nor shall any meeting be legal unless held at the times or convened in the manner provided for by statute to be passed as aforesaid. C. S. U. C. c. 62, s. 18.

Legal meetings of the Senate.

Chairman.

**36.** At every meeting of the Chancellor, Vice-Chancellor and members of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman, or in the absence of both, a chairman shall be chosen by the members present or a majority of them. C. S. U. C. c. 62, s. 19.



## POWERS AND DUTIES OF SENATE.

**37.** The Chancellor, Vice-Chancellor and members of the Senate for the time being, shall, subject to the provisions of *The Act respecting the Income and Property of the University of Toronto, University College, and Upper Canada College*, have the management of and superintendence over the affairs and business of the University. C. S. U. C. c. 62, s. 11.

Senate to manage the business of the University.  
Rev. Stat. c. 211.

**38.** The said Chancellor, Vice-Chancellor, and members of the Senate, shall have power to examine for, and after examination to confer in such mode, and on compliance by the candidate with such conditions as they shall from time to time determine, the several Degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science, Medicine and Music, and Master in Surgery, and Civil Engineer, Mining Engineer and Mechanical Engineer, or such of the said Degrees as they shall think fit, and also to confer the several degrees of Bachelor, Master and Doctor in any departments of knowledge whatever, except Theology, as the said Chancellor, Vice-Chancellor and members of the Senate by regulations in that behalf shall from time to time determine, and whether such departments of knowledge shall or shall not include any portion of the departments of knowledge for which Degrees in Arts, Laws, Science, Medicine and Music, or any of them, are authorized to be conferred by this Act; and such reasonable fees may be charged for or in respect of such examinations and Degrees respectively, or either of them, as the said Chancellor, Vice-Chancellor and members of the Senate shall by statute in that behalf from time to time direct. 36 V. c. 29, s. 41.

Degrees.

**39.** The said Chancellor, Vice-Chancellor and members of the Senate shall also have power to confer any of the said Degrees as *ad eundem* Degrees; but no Degree so conferred shall without the consent of Convocation in each case entitle the holder thereof to be or become a member of Convocation. 36 V. c. 29, s. 42.

*Ad eundem* degrees.

**40.** The said Chancellor, Vice-Chancellor and members of the Senate shall have power to examine for, and after examination to grant in such mode and on compliance by the candidate with such conditions as they shall from time to time determine, Certificates of Proficiency in such branches of knowledge as the said Chancellor, Vice-Chancellor and members of the Senate shall from time to time by regulations made in that behalf determine: and in addition to the examination of candidates for Degrees as hereinbefore provided, the said Chancellor, Vice-Chancellor, and members of the Senate may cause to be held from time to time examinations of persons, including women, who have prosecuted the study of such branches of knowledge in Literature, Science or Art, and who may be candidates for such Certificates of Proficiency as aforesaid, subject to such regulations as by the said Chancellor, Vice-Chan-

Certificates of proficiency.  
Examinations

cellor and members of the Senate shall from time to time be made in that behalf; and on every such examination the candidates shall be examined by examiners appointed by the said Chancellor, Vice-Chancellor and members of the Senate. 36 V. c. 29, s. 43, *part*.

Certificate of  
result of ex-  
aminations.

**41.** At the conclusion of every examination of the candidates the examiners shall declare and certify to the Registrar of the University the name of every candidate whom they have deemed to be qualified to receive any such certificate, together with such particulars as the said Chancellor, Vice-Chancellor and members of the Senate shall from time to time determine; and he or she shall, if otherwise approved by the said Chancellor, Vice-Chancellor and members of the Senate, and if they think fit, receive from the said Chancellor a certificate under the Seal of the said University, and signed by the said Chancellor or by the Vice-Chancellor, in which the branch or branches of knowledge in respect of which he or she has been allowed by the said Chancellor, Vice-Chancellor and members of the Senate to obtain the Certificate shall be stated, together with such other particulars, if any, as the said Chancellor, Vice-Chancellor and members of the Senate may deem fitting to be stated therein; and such reasonable fees may be charged for or in respect of such examinations and Certificates of Proficiency respectively, or either of them, as the said Chancellor, Vice-Chancellor and members of the Senate shall by statute in that behalf from time to time direct. 36 V. c. 29, s. 43

Fees.

Certificates of  
honour.

**42.** In addition to the power of conferring Degrees in Arts and Faculties vested in the said University, the Chancellor, Vice-Chancellor and members of the Senate may, after examination, grant Certificates of Honour in such branches of knowledge as they from time to time, by statutes to be made in that behalf, determine. C. S. U. C. c. 62, s. 16.

Standard of  
qualification  
for degrees,  
etc.

**43.** The regulations of the Senate with respect to the literary and scientific attainments of persons obtaining Degrees or Certificates of Honour, and their examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and members of the Senate, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the University of Toronto may not be inferior to that adopted for a like Degree, or Certificate of Honour in the University of London. C. S. U. C. c. 62, s. 30.

Power to  
make statutes.

**44.** The said Chancellor, Vice-Chancellor and members of the Senate may from time to time make and alter any statutes not being repugnant to the laws of Ontario, or to the general objects and provisions of this Act:

1. Touching the examination for Degrees, or for Scholarships, Prizes or Certificates of Honour; and

2. The granting of such Degrees, Scholarships or Certificates ; and

3. The fees to be paid by candidates for examination or upon taking any Degree ; and

4. The application of such fees ; and

5. Touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof ; and

6. In general for promoting the purposes of the said University, and touching all other matters whatsoever regarding the same or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case not herein provided for. C. S. U. C. c. 62, s. 12.

**45.** All such statutes shall be reduced into writing and the Common Seal of the University shall be affixed thereto, and when they have been approved of by the Visitor, they shall be binding upon all persons being members or officers of the University and upon all candidates for Degrees, Scholarships, Prizes or Certificates of Honour to be conferred by the said University, and upon all others whom it may concern. C. S. U. C. c. 62, s. 13.

All statutes to be in writing, and sealed and approved of by the Visitor.

**46.** A certified copy of every such statute shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the University for his approval ; and no such statute shall have force or effect until it is approved by the Visitor, and such approval has been signified through the said Secretary. C. S. U. C. c. 62, s. 14.

Copies to be deposited with Provincial Secretary.

**47.** By any such statute approved as aforesaid power may be given to any committee, officers or persons to make regulations for better carrying out the provisions or object of any Statute of the University, in the manner and to the extent therein prescribed. C. S. U. C. c. 62, s. 15.

Certain powers may be delegated by statute.

**48.** The Chancellor, Vice-Chancellor and members of the Senate for the time being, may, from time to time, by statute of the University, appoint all examiners, officers and servants of the said University, except the Bursar, and may in like manner remove them or any of them. C. S. U. C. c. 62, s. 20.

Officers.

**49.** All statutes of the University heretofore made under any Act of Parliament relating to the said University, and which are in force on the day this Act takes effect, shall remain in force, in so far as they are not inconsistent with this Act, until repealed or altered by the Chancellor, Vice-Chancellor and members of the Senate of the University. C. S. U. C. c. 62, s. 37.

What statutes to remain in force.

*Annual Report to the Legislature.*

Senate to make certain reports to the Lieutenant-Governor.

Copies to be laid before the Legislative Assembly.

**50.** The Senate of the University shall annually report to the Lieutenant-Governor, at such time as he may appoint, on the general state, progress and prospects of the University, and upon all matters touching the same, with such suggestions as they think proper to make; and the Senate shall also at all times, when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the University; and copies of such annual or other reports shall be laid before the Legislative Assembly at the then next Session thereof. C. S. U. C. c. 62, s. 38.

*Examinations and Affiliation.*

Examination for degrees, etc.

**51.** The said Chancellor, Vice-Chancellor and members of the Senate, once at least in every year, at a time or times to be fixed by statute of the University, shall cause to be held an examination of the candidates for Degrees, Scholarships, Prizes or Certificates of Honour, as aforesaid. C. S. U. C. c. 62, s. 21.

Candidates to be examined by examiners.

**52.** At every such examination the candidates shall be examined by examiners appointed for the purpose by the said Chancellor, Vice-Chancellor and members of the Senate; and the candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Chancellor, Vice-Chancellor and members of the Senate consider the most fitting subjects for such examination. C. S. U. C. c. 62, s. 22.

Examiner.

**53.** No member of the Senate shall be eligible as an examiner, and no examiner shall be eligible for re-election more than four years consecutively. 26 V. c. 29, s. 44.

Special examinations for honours.

**54.** Special examinations may be held for honours. C. S. U. C. c. 62, s. 23.

Examiners to make a declaration of impartiality.

**55.** Each examiner may be required to make the following declaration before the Chancellor or Vice-Chancellor:

"I solemnly declare that I will perform my duty of examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all."

C. S. U. C. c. 62, s. 31.

Examination to be public.

**56.** All the examinations shall be open and public. C. S. U. C. c. 62, s. 24.

Scholarships, prizes and rewards to be granted.

**57.** The Chancellor, Vice-Chancellor and members of the Senate, may, according to regulations previously made and published, grant Scholarships, Prizes and rewards to persons who distin-



guish themselves at their examination, and such Scholarships shall be of the nature and extent of those next mentioned, but the sum to be expended for such purposes in any one year shall not exceed the sum appropriated for that purpose under the provisions hereinafter made. C. S. U. C. c. 62, s. 33.

**58.** To each of such scholarships an annual stipend shall be attached, payable out of the University Income Fund, for the periods and on the conditions fixed by the regulations of the University made by statute in that behalf. C. S. U. C. c. 62, s. 34. Nature of such scholarships.

**59.** The holder of any scholarship granted under this and the two last preceding sections shall have the title of "University Scholar." C. S. U. C. c. 62, s. 35, *first part*. Title.

**60.** The said Scholarships shall be held to be University scholarships in any of the affiliated institutions in Ontario, and for the purpose of being awarded according to the proficiency manifested on examination in prescribed subjects, shall be so held by the Chancellor, Vice-Chancellor and members of the Senate. C. S. U. C. c. 62, s. 36. Said scholarships to be University scholarships.

**61.** The Chancellor, Vice-Chancellor, and members of the Senate may, with the approval of the Lieutenant-Governor in Council, from time to time, by statute in that behalf, prescribe that any College, School, or other Institution established in this Province for the promotion of Literature, Science or Art, or for instruction in Law, Medicine, Mechanical Science, Engineering, Agriculture or other useful branch of education, upon the application of such College, School or other Institution, shall be deemed to be affiliated with the said University for the purpose of admitting therefrom as candidates at any of the respective examinations for standing, or for Scholarships, Honours, Degrees and Certificates which the said Chancellor, Vice-Chancellor and members of the Senate are authorized to confer, such persons as may have respectively completed in such College, School or other Institution whilst affiliated with the said University, such course of instruction preliminary to any of the said respective examinations for standing, or for Scholarships, Honours, Degrees and Certificates as the said Chancellor, Vice-Chancellor and members of the Senate shall from time to time by regulation in that behalf determine. Affiliation of Colleges, etc.

2. The said Chancellor, Vice-Chancellor and members of the Senate may, with the like consent of the Lieutenant-Governor in Council, remove any of such institutions as may be affiliated under this section, from its said connection with the said University. Dissolution of affiliation.

3. Excepting such Colleges, Schools or Institutions as are now in connection with the University under special applications heretofore made in that behalf, or as may become so, in con- What institution already affiliated.

16 V. c. 89, s.  
18.

formity with the provisions in this section contained, and excepting University College, and the Schools of Law and Medicine heretofore affiliated under the eighteenth section of the Act passed in the sixteenth year of Her Majesty's reign, chaptered eighty-nine, no other College, School or Institution shall be deemed or taken to be affiliated for any purpose with the University. 36 V. c. 29, s. 45.

Persons not  
educated in  
the affiliated  
institutions  
may be candi-  
dates for  
degrees, etc.

**62.** Persons not educated in any of the said institutions for the time being affiliated with the said University may be admitted as candidates for examination for standing or for any of the Honours, Scholarships, Degrees, or Certificates authorized to be conferred by the said University on such conditions as the said Chancellor, Vice-Chancellor and members of the Senate may from time to time determine. 36 V. c. 29, s. 46; 40 V. c. 16, s. 21.

Examinations  
at affiliated  
colleges.

**63.** The said Chancellor, Vice-Chancellor, and members of the Senate may make such regulations with regard to the examination of candidates at any affiliated College, School or Institution in this Province as may appear convenient, and such examinations may be conducted by sub-examiners upon papers or questions prepared by the examiners in the prescribed subjects, and may be deemed and taken as equivalent to the ordinary examinations held for any purpose at the University, and also for certificates of having undergone a satisfactory examination in any department of literature, science, or art. 36 V. c. 29, s. 47.

#### CONVOCATION.

Powers of  
Convocation.

**64.** The Convocation of the University shall have the powers following:—

(1) The power of electing the Chancellor and fifteen members of the Senate in manner hereinbefore provided;

(2) The power of discussing any matter whatsoever relating to the University and of declaring the opinion of Convocation in any such matter;

(3) The power of taking into consideration all questions affecting the well-being and prosperity of the University, and of making representations from time to time on such questions to the Senate of the said University, who shall consider the same and return to Convocation their conclusions thereon;

(4) The power of discussing, upon such terms as the Senate shall propose, the affiliation of any College or School with the said University;

(5) The power of deciding upon the mode of conducting and registering the proceedings of Convocation;

(6) The power of appointing and removing the Clerk of Convocation, and of prescribing his duties ;

(7) The power of requiring a fee to be paid by members of Convocation as a condition of being placed on the register of members ;

(8) And its members shall have the right to attend the annual Convocation for conferring degrees ;

2. Except as in this Act expressly provided, Convocation shall not be entitled to interfere in or have any control over the affairs of the University. 36 V. c. 29, s. 24. ; 40 V. c. 16, s. 20.

**65.** Once at least in every year, and as often as they may think fit, the Senate shall convene a meeting of Convocation. Meetings of Convocation. 36 V. c. 29, s. 25.

**66.** If twenty-five or more members of Convocation shall, by writing under their hands, require the Chairman for the time being of Convocation (to be appointed as hereinafter prescribed) to convene an extraordinary meeting of Convocation, and such requisition shall express the object of the meeting required to be called, it shall be the duty of the said Chairman, within a reasonable time, to convene such meeting of Convocation. Extraordinary meetings of Convocation. 36 V. c. 29, s. 26.

**67.** After the first of such extraordinary meetings, no such extraordinary meeting shall be convened in pursuance of the last section, until the expiration of three calendar months from the last of such extraordinary meetings: and no matter shall be discussed at any such extraordinary meeting except the matter for the discussion whereof it was convened. Limitation as to time. 36 V. c. 29, s. 27. When may be discussed.

**68.** The Senate shall provide a proper place for the meeting of Convocation, and the proceedings of any meeting of Convocation shall be transmitted to the Senate at the next following meeting of the Senate. Place of meeting. 36 V. c. 29, s. 28.

**69.** Notice of the meeting of Convocation shall be given by advertisement, or in such other manner as the Senate shall from time to time determine. Notice of meetings. 36 V. c. 29, s. 29.

**70.** The office of Chairman of Convocation shall be an office held for the term of three years, unless sooner determined by death, resignation or otherwise, and the chairman shall be eligible for re-election. Chairman of Convocation.

2. Within the year preceding the expiration of every term of the said office, or in case of the death or resignation of the Chairman, or any vacancy of the said office, the members of Convocation present at any meeting duly convened, or the

major part of them, shall elect a Chairman, who, if elected during the term of office of any Chairman, shall hold office three years after the expiration of the tenure of office of such Chairman, and if elected during a vacancy, then till the expiration of the third year after the commencement of the vacancy.

3. If from any cause no Chairman is elected to succeed any Chairman for the time being, then such last mentioned Chairman shall continue in office until his successor is appointed. 36 V. c. 29, s. 30.

Absence of  
chairman.

71. If the Chairman is absent at the time of the meeting of Convocation, or if there is a vacancy in the office, then, before proceeding to business, the members of Convocation then present, or the major part of them, shall elect a Chairman, who shall hold office during such meeting only. 36 V. c. 29, s. 31.

Questions be-  
fore Convoca-  
tion how de-  
cided.

72. All questions which come before Convocation shall be decided by the majority of the members present, and the Chairman, at any meeting thereof, shall have a vote, and in case of equality of votes, a second or casting vote. 36 V. c. 29, s. 32.

Quorum.

73. No question shall be decided at any meeting of Convocation unless thirty members at least are present. 36 V. c. 29, s. 33.

Adjournments

74. Any meeting of Convocation shall have power to adjourn to a future day. 36 V. c. 29, s. 34.

## SCHEDULE.

(Sections 15, 16, 19 and 20.)

FORM OF VOTING PAPER.

*University of Toronto.*

*Election*

18 .

I,  
Toronto, resident at  
do hereby declare :—

M.A., (or other degree,) of the University of  
in the County of

(1) That the signature affixed hereto is my proper handwriting.  
(2) That I vote for the following person (or persons) as Chancellor or as members of the Senate (as the case may be) of the University of Toronto, viz., of in the County of &c., &c.

(3) That I have signed no other voting paper at this election.

(4) That this voting paper was executed on the day of the date hereof.

Witness my hand this

day of

A.D. 18 .



CHAPTER 211.

An Act respecting the Income and Property of the University of Toronto, University College, and Upper Canada College.

Property vested in Crown, s. 1.	First charge on, s. 16.
Bursar, salary, powers and duties of, ss. 2-6.	Apportioning property for use of the institutions respectively, s. 17.
Conveyance of property to purchasers, ss. 7-8.	Improvement of buildings, s. 18.
General income fund, ss. 9-15.	Fiscal year, s. 19.
Appropriations out of, how made, ss. 13-15.	Lease of Queen's Park to City of Toronto, s. 20.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

ENDOWMENT AND MANAGEMENT.

1. All the property and effects, real and personal, of what nature or kind soever, vested in the Crown when this Act takes effect, in trust for the purposes of the University of Toronto, University College, Upper Canada College, and Royal Grammar School, shall continue so vested for the purposes of and subject to the provisions of this Act and the Acts respecting the said institutions, and all property, real and personal, given, devised or bequeathed to or for the same purposes, after this Act takes effect, shall be vested in the Crown for the purposes hereof, and all such property shall be managed and administered, under the orders of the Lieutenant-Governor in Council, by an officer to be appointed by commission under the Great Seal of this Province, to hold his office during pleasure, and to be called the Bursar of the University and Colleges at Toronto. C. S. U. C. c. 62, s. 65.

All institution property vested in the Crown.
2. The salary of the said Bursar shall be fixed by the Lieutenant-Governor in Council at such amount, not exceeding two thousand four hundred dollars per annum, as may seem meet, and the said Bursar shall be allowed by the Lieutenant-Governor in Council such assistance in his office as may be found necessary. C. S. U. C. c. 62, s. 68; 36 V. c. 29, s. 52.

Bursar's salary to be fixed by the Lieut. Governor
3. The said Bursar shall have a seal of office, and shall have such powers as may from time to time be assigned to

Bursar to have a seal, &c.

him by the Lieutenant-Governor in Council, for the management and administration of the said property, the leasing of the same, or making agreements for the sale thereof, and the receiving of the rents, issues and profits thereof or the proceeds of the sale of any part thereof, or of any moneys in any way arising therefrom, and he shall account for and pay over the same in such manner as the Lieutenant-Governor from time to time directs. C. S. U. C. c. 62, s. 69.

Bursar to give security to the Crown.

**4.** The Bursar shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over all moneys which come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Lieutenant-Governor in Council may direct. C. S. U. C. c. 62, s. 70.

Responsibility of the Bursar.

**5.** The said Bursar shall, as regards his obligation to account for and pay over the moneys which come into his hands as Bursar, be deemed to be an officer employed in the collection of the Provincial Revenue, and shall, in case of his default, be liable to be dealt with accordingly. C. S. U. C. c. 62, s. 71.

To transmit annual accounts to the Lieut.-Governor to be laid before the Legislative Assembly.

**6.** At such time in each year as the Lieutenant-Governor may appoint, the said Bursar shall make and transmit to him an annual account of the property under the Bursar's management and of his official receipts and expenditure; and a copy of such account shall be laid before the Legislative Assembly at the then next Session thereof.

What such accounts must show.

**2.** Each such annual account shall show, among other things—

(a) The number of acres of land originally granted for the endowment of the said University, or of the said Upper Canada College and Royal Grammar School;

(b) The number of acres sold, and at what rate;

(c) The total amount of sales;

(d) The amount received on account thereof, and the amount due;

(e) The amount of capital invested, and the amount expended to the end of the preceding year;

(f) The amount received, and a detailed account of the amount expended for the preceding year, in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings. C. S. U. C. c. 62, s. 72.

DEEDS OF CONVEYANCE.

7. In order to facilitate the transfer and conveyance of the property so as aforesaid vested in Her Majesty, the Lieutenant-Governor may from time to time issue a Commission, under the Great Seal, to the Bursar of the University and Colleges at Toronto, authorizing the said Bursar, under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and all such transfers and conveyances may be made according to the form of the Schedule to this Act, or in words to the like effect; and the same shall to all intents and purposes grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the like effect as if the same had been directly granted by the Crown under the provisions of this Act; but nothing herein contained shall prevent the Crown from granting such lands directly. C. S. U. C. c. 62, s. 73.

Provision for facilitating the transfer of property sold.

8. All such transfers and conveyances shall be registered in the Registry Office of the County or other Registration Division in which the lands are situate, in like manner and subject to the same provisions of law as conveyances from and to private parties. C. S. U. C. c. 62, s. 74.

Transfers to be registered, etc.

GENERAL INCOME FUND.

9. The fees received for tuition, examination, degrees, certificates of honour or otherwise, in the said University of Toronto, in University College, and in the said Upper Canada College and Royal Grammar School, or such part thereof as may be payable into the general funds thereof, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such property sold and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest, and all other casual and periodical incomings, including any donations or subscriptions touching which it has not been otherwise ordered by the donors, shall be deemed income for the purposes of this Act, and shall form the General Income Fund, and may be expended for the purposes and under the authority of this Act. C. S. U. C. c. 62, s. 75.

General Income Fund constituted.

10. The purchase money of any such property sold, and the principal of any money invested, shall be deemed permanent property, and shall not (except only in the case hereinafter provided for) be expended or diminished in any way, but shall remain as a permanent fund for the support of the said institutions and the purposes of this Act. C. S. U. C. c. 62, s. 76.

Permanent Fund.

Income Fund  
of U. C. Col-  
lege and Gram-  
mar School.

Permanent  
fund of the  
same.

University In-  
come Fund  
and charges  
payable out of  
it

In what  
manner appro-  
priations out  
of the said  
funds may be  
made.

Sums may be  
placed at dis-  
posal of a com-  
mittee by sta-  
tutes of the  
Council.

Surplus how  
to be appro-  
priated.

**11.** That part of the said General Income Fund which is derived from property heretofore vested in the Corporation of Upper Canada College and Royal Grammar School, or from other property held for the use of, or from fees received in the said College and Grammar School and payable into the general funds thereof, shall be applied to defray the current expenses of the said institution only, and shall form the special Income Fund thereof, and shall be applied under the direction of the Lieutenant-Governor in Council, to defray the current expenses of the said College and Grammar School and those to be incurred in the management of the endowment and funds thereof and the maintenance and repairs of property assigned for its use, and the surplus, if any, after defraying all charges thereon, shall form part of the Permanent Fund aforesaid, and shall be invested in such manner as the Lieutenant-Governor in Council may direct; and all moneys forming part of the said Permanent Fund, and arising from such surplus as aforesaid, or from property heretofore vested in the said Corporation, shall be permanently appropriated to the support of the said Upper Canada College and Royal Grammar School. C. S. U. C. c. 62, s. 77.

**12.** Out of the remainder of the General Income Fund, (which remainder shall be called the University Income Fund,) after paying the charges of management, the Lieutenant-Governor in Council may appropriate yearly the sum required to defray the current expenses of the said University of Toronto, including scholarships, rewards and prizes, and to defray the current expenses of University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University or College, and with power to the Lieutenant-Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements. C. S. U. C. c. 62, s. 78.

**13.** In making such appropriations for the current expenses of the said University, or of University College, or of the said Upper Canada College and Royal Grammar School, the Lieutenant Governor in Council may either direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of Statutes in that behalf, approved as aforesaid. C. S. U. C. c. 62, s. 79.

**14.** By such Statutes the said Senate or Council may place any sums at the disposal of any committee, or persons, to be applied by them according to the directions of such Statutes, or in their discretion, to purposes to be therein named. C. S. U. C. c. 62, s. 80.

**15.** Any surplus of the said University Income Fund remaining at the end of any year after defraying the expenses



payable out of the same, shall constitute a Fund to be from time to time appropriated by the Legislature for Academical Education in Ontario. C. S. U. C. c. 62, s. 81.

**16.** The expenses of the Bursar's office and the management of the property aforesaid shall be paid out of the said General Income Fund hereinbefore mentioned, and shall be the first charge thereon, and the Lieutenant-Governor in Council shall from time to time determine what share thereof shall be paid out of that portion of the said Fund belonging to the Upper Canada College and Royal Grammar School. C. S. U. C. c. 62, s. 82.

Expenses of Bursar's office how paid.

**17.** The Lieutenant-Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College, and of the said Upper Canada College and Royal Grammar School, respectively, such portions of the property vested in the Crown as aforesaid, as may be necessary for the convenient accommodation and business of the said Institutions respectively; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such Institution. C. S. U. C. c. 62, s. 83.

Portions of property to be assigned for use of the said institutions.

#### IMPROVEMENT OF BUILDINGS.

**18.** The Lieutenant-Governor in Council may authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid hereby made applicable to the support of the institution for the purposes of which the improvement or addition is made. C. S. U. C. c. 62, s. 84.

Lieutenant-Governor in Council may authorize improvements.

**19.** For all the purposes of this Act, and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall coincide with the calendar year. C. S. U. C. c. 62, s. 85.

Fiscal year.

#### THE QUEEN'S PARK.

**20.** Whereas the Bursar of the University of Toronto was by the sixty-sixth section of chapter sixty-two of the Consolidated Statutes for Upper Canada authorized to demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the Corporation of the City of Toronto, in trust for the purposes of a park, as well for the use of the professors, students and other members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested

Lease to city of land adjacent to the city for a park.

Lands leased,  
to be part of  
the City, and  
residue of the  
University—  
lands adjacent  
to be subject  
to its police  
regulations  
and by-laws.

in Her Majesty as aforesaid, situate within or adjacent to the limits of the said City, as the said Chancellor, Vice-Chancellor and members of the Senate of the said University might by by-law approved of by the Governor in Council, set apart for such purposes, not exceeding in the whole fifty acres, and upon such terms and conditions as had been or might after the said Act took effect, be agreed upon between the said University and the Council of the said Corporation; and, whereas in pursuance of such powers, the said Bursar made such lease as aforesaid, therefore it is enacted that, so long as the said lease remains in force, the land so demised shall be deemed to be and shall be taken to form a part of the said City of Toronto; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said park, shall be subject to all the police regulations of the said City of Toronto, and to all by-laws of the said City in that behalf. C. S. U. C. c. 62, ss. 66, 67.

## SCHEDULE

(Section 7.)

### FORM OF CONVEYANCE.

To all to whom these presents shall come :

Whereas A. B., of \_\_\_\_\_ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, in trust for the purposes of the University of Toronto, University College, and Upper Canada College and Royal Grammar School; And whereas, under the provisions of the Statute relating to such University, College and Royal Grammar School; C. D., of \_\_\_\_\_, the Bursar of the said University and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof: Now these presents witness that the said C. D., as such Bursar, under and by virtue of the said Commission and the Statute in that behalf, and in consideration of the sum of \_\_\_\_\_ paid therefor by the said A. B., hereby grants, transfers and conveys to the said A. B., his heirs and assigns for ever (or as the case may be), all that certain parcel or tract of land, being lot, &c. (as the case may be), which said land is bounded or may be known as follows, &c. (describe the land by its boundaries, and insert any reservations, conditions or provisos). In witness whereof the said C. D., as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this day, &c.

Signed, sealed and delivered }  
in presence of }

C. D.,

Bursar. [L.S.]

## CHAPTER 212.

### An Act respecting The School of Practical Science.

The School continued, s. 1.  
Museum of Geology, &c., s. 2.  
Site, s. 3.  
Gifts to, s. 4.  
Owners of mines to furnish specimens, s. 5.  
Rules, s. 6.

Nature of instruction, ss. 6-8.  
Appointment of lecturers, &c. s., 9.  
Arrangements in favour of students with Toronto University, &c., s. 10.  
Annual report, s. 11.  
Fees, s. 12.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The School of Practical Science heretofore established in this Province for instruction in mining, engineering, and the mechanical and manufacturing arts is hereby continued. 36 V. c. 30, s. 1.

**2.** In connection with such School there shall be a museum of geology and mineralogy, with other branches, in order to afford aids for practical instruction, and illustrations of the mineral and economic products of the Province. 36 V. c. 30, s. 2.

**3.** The site of such School and museum shall be in the City of Toronto, and the said school and museum may be continued in the building already acquired, or such building may be sold and new premises erected or obtained therefor. 36 V. c. 30, s. 3.

**4.** It shall be lawful for the Lieutenant-Governor in Council, on behalf of this Province, to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said School and museum. 36 V. c. 30, s. 4.

**5.** Specimens of the ores, minerals and other products of any mine now being worked in this Province, shall, on request, be furnished by the respective owners of such mines for said School and museum, and the said owners, in case of refusal to furnish such specimens, shall be liable to a fine not exceeding fifty dollars in each case of refusal, to be recovered according

Rev. Stat. c. 74. to the provisions of *The Act respecting Summary Convictions before Justices of the Peace.* 36 V. c. 30, s. 5.

Rules, &c., of the school.

6. The government of the School and museum shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the subjects and course of study in each branch of practical science in which instruction is to be given, and may authorize certificates of proficiency, scholarships or other rewards to be given after examination in any of such subjects, and may also impose reasonable fees for attendance upon classes and lectures. 36 V. c. 30, s. 6.

Nature of instruction.

7. The said School shall be furnished with all such appliances and apparatus as may be necessary for practical education in the hereinbefore mentioned arts, and the course of instruction therein shall be with reference to the following subjects:—

(1) The construction and working of machinery, manufactures, and mechanical powers in general;

(2) The construction of roads, bridges, railways, water and drainage system, and other public works;

(3) Mining, and the analysis of ores and minerals;

(4) The chemistry applicable to arts and manufactures;

(5) And such further subjects as will promote a knowledge of the physical sciences. 36 V. c. 30, s. 7.

Who may attend the school.

8. Besides training students in regular classes at such School, instruction shall also be given to artisans, mechanics, and workmen, by evening classes, in such subjects as may further their improvement in their different callings. 36 V. c. 30, s. 8.

Appointment of lecturers, &c.

9. The Lieutenant-Governor in Council may, from time to time, appoint such lecturers, instructors and assistants, as the Lieutenant-Governor in Council may think necessary, for the efficient working of said School, and the promotion of its usefulness, and may entrust the internal management and discipline of said School to a Board or Council, composed of the lecturers and instructors therein. 36 V. c. 30, s. 9.

Arrangements with University of Toronto and University College.

10. The Lieutenant-Governor in Council may make arrangements with University College for the attendance of students of the said School at such lectures in said College, as may come within the course or subjects of instruction, prescribed by the rules and regulations of said School; and may agree with the



University of Toronto for the use of its library and museum for the purposes of the said School, and for the acquisition of such specimens as have relation to geology and mineralogy, and may also affiliate the said School with the said University, but only to the extent of enabling students of the said School to obtain, at the examination of the said University, such rewards, honours, standing, scholarships and degrees in Science, as the said University, under its statutes, and the Acts of the Legislature in that behalf, may be authorized to confer. 36 V. c. 30, s. 10.

**11.** Full reports of the progress of the said School shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain : Annual reports to be submitted to the Legislative Assembly.

(1) A tabular statement, with the name, place of birth, age, residence and occupation, or intended occupation of each student, attending in each term of said year, and the number of classes that such student attended, and his progress or proficiency ;

(2) A similar statement with respect to the persons attending evening classes or lectures ;

(3) A return of the lecturers, teachers and assistants, and the lectures delivered or classes instituted in each term, and the number of persons attending each lecture or class. 36 V. c. 30, s. 11.

**12.** All fees and moneys received on account of said School, shall be returned to the Treasurer of the Province, by whom all accounts relating to said School shall be kept. 36 V. c. 30, s. 12. Fees.

## CHAPTER 213.

## An Act respecting Industrial Schools.

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Short title, s. 1.	Rules, s. 16.
Interpretation, s. 2.	Payment of cost of maintenance by parent. &c., ss. 17-19.
Preliminaries to establishment of, ss. 3, 4.	Liability of other corporations for maintenance in certain cases, s. 20.
Power of police magistrate to commit to, ss. 5-7.	Apprehension on escape, &c., s. 21.
Roman Catholic children, proviso respecting, s. 8.	Apportionment of grant of legislation, s. 22.
Visits by clergymen, s. 9.	Inspection, s. 23.
Placing out of children with approved persons, ss. 10-13.	Surrender of child to parents, &c., s. 24.
Apprenticing, s. 15.	Appeals from Minister of Education, s. 25.
Minister of Education may order discharge from, s. 14.	

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as "*The Industrial Schools Act*."
- Industrial school, definition of.      **2.** A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall exclusively be deemed an Industrial School within the meaning of this Act. 37 V. c. 29, s. 1.
- In cities, examinations by Inspector, report thereon.      **3.** In case the Public School Board of Trustees for any City, or the Separate School Trustees therein, establish an Industrial School, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such Schools, and cause notice thereof to be given to the City Inspector of Public Schools, the said Inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the School, and shall report the said particulars to the Minister of Education; and if the Minister is satisfied with the report of the Inspector, he may, in writing under his hand, certify that the School is a fit and proper one for the reception of children to be sent there, and the School shall thereupon be deemed a certified Industrial School for the purposes of this Act. 37 V. c. 29, s. 2.
- Certificate by Minister of Education.

**4.** The notice of the grant of the certificate shall forthwith be given by the Board to the Police Magistrate, and shall likewise be inserted by the Board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Minister of Education for the time being, or his Deputy. 37 V. c. 29, s. 3.

Notice of the certificate and evidence thereof.

**5.** Any person may bring before the Police Magistrate any child apparently under the age of fourteen years, who comes within any of the following descriptions namely :—

Certain children under fourteen may be brought before Police Magistrate.

(1) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

(2) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(3) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(4) Whose parent, step-parent or guardian represents to the Police Magistrate that he is unable to control the child, and that he desires the child to be sent to an Industrial School under this Act;

(5) Who, by reason of the neglect, drunkenness or other vices of parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life. 39 V. c. 29, s. 4.

**6.** If the Police Magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified Industrial School; which order shall be in writing, and shall specify the name of the School, and the time for which the child is to be detained in the School, being such time as to the Police Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years. 37 V. c. 29, s. 5.

Magistrate may order child to school; requires of the order.

**7.** The said School Corporations may admit into the Industrial Schools established by them, all children apparently under the age of fourteen years, who are committed to the said School by the Police Magistrate; and the said corporations respectively shall have power to place the said children at such employments, and cause them to be instructed in such branches of use-

Admission to the schools.

Powers as to instruction and employment.

ful knowledge, as are suitable to their years and capacities. 37 V. c. 29, s. 6.

Roman Catholic children.

**8.** In case an Industrial School is established by the Roman Catholic Separate School Trustees in any city, the Police Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an Industrial School belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic Industrial School and other children to the other Industrial School: and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic Separate School claims that the child should be sent to the Industrial School under the said Board of Trustees, or claims that a child in an Industrial School established by the latter should be sent to the Roman Catholic Separate School, the Minister of Education, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the School to which the transfer is to be made are willing to receive the child. 37 V. c. 29, s. 7.

Visits by clergyman.

**9.** A minister of the religious persuasion to which a child appears to belong may visit the child at the School on such days and at such times as may be from time to time fixed by regulations of the Education Department in that behalf, for the purpose of instruction in religion. 37 V. c. 29, s. 8.

Children may reside with respectable persons.

**10.** The School Corporation may permit a child sent to their Industrial School under this Act to live at the dwelling of any trustworthy and respectable person, so that a report is made forthwith to the Minister of Education, in such manner as he thinks fit to require, of every instance in which this discretion is exercised. 37 V. c. 29, s. 9.

Revocation of permission to reside out of school.

**11.** Any permission for that purpose may be revoked at any time by the School Corporation; and thereupon the child to whom the permission relates shall be required to return to the school. 37 V. c. 29, s. 10.

Time of absence how calculated.

**12.** The time during which the child is absent from the School under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the School, and, at the expiration of the time allowed by the permission, he shall be taken back to the School. 37 V. c. 29, s. 11.

Return to school.

What shall be deemed escape from school.

**13.** A child escaping from the person with whom he is placed, or refusing to return to the School on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. 37 V. c. 29, s. 12.



**14.** The Minister of Education may at any time order any child to be discharged from a certified Industrial School, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly. 37 V. c. 29, s. 13. Discharge from school.

**15.** The School Corporation may at any time during the period of the detention of a child in a School, if he has conducted himself well in the School, bind him, with his own consent, apprentice to any trade, calling or service, and every such binding shall be valid and effectual to all intents. 37 V. c. 29, s. 14. Apprenticing.

**16.** The said School Corporation may from time to time make rules for the management and discipline of the certified Industrial School established by the Board, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Education Department; and rules so approved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a School so approved and signed by the Minister of Education shall be evidence of the rules of the School. 37 V. c. 29, s. 15. Rules for management; power to make. Evidence of.

**17.** On the complaint of the School Corporation or of any agent of the School Corporation, at any time during the detention of a child in a certified Industrial School, the Judge of the Division Court of the Division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the Court, examine into his ability to maintain the child, and the Judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the School Corporation of such weekly sum, not exceeding one dollar per week, as to the Judge seems reasonable, during the whole, or any part of the time during which the child is liable to be detained in the School, and the said order shall for all purposes be a judgment of the said Division Court. 37 V. c. 29, s. 16. Power to order parent, &c., to maintain a child.

**18.** The Judge making such order, or any other Judge holding the said Division Court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the School Corporation or its agent, on fourteen days notice of the application being first given to the other party. 37 V. c. 29, s. 17. Varying the order for maintenance.

**19.** The officers of the Court shall be entitled to charge fees upon proceedings had under the two next preceding sections, according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge. 37 V. c. 29, s. 18. Costs of order for maintenance.

Liability of other corporations for maintenance according to residence of the child.

**20.** In case a child sent by a Police Magistrate to an Industrial School, has not resided in the city for a period of one year, but has resided for that period in some other county, City, or separated Town, the School Corporation may recover from the Corporation of such County, City, or separated Town the expense of maintaining the child; or if the child, although he or she had resided for a period of one year in the City in which the Industrial School is situated, had, since such residence, been resident for a period of one year in some other Municipality, the School Corporation may, in like manner, recover the expense of maintenance from the County, City, or separated Town in which the child last resided for a period of one year. 37 V. c. 29, s. 19.

Apprehension on escape or absence.

**21.** If a child sent to a certified Industrial School, and while liable to be detained there, escapes from the School, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same School there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escape. 37 V. c. 29, s. 20.

Minister of Education to apportion grants for schools.

**22.** In case any money is granted or provided by the Legislature for the support of Industrial Schools, it shall be the duty of the Minister of Education, and he is hereby empowered, to apportion the money on or before the first day of May, to the several Industrial Schools in the Province, according to the average number of pupils at each School from time to time during the preceding year as compared with the whole average number at the Industrial Schools established under this Act. 37 V. c. 29, s. 21.

Liability to inspection; the laws that govern.

**23.** Industrial Schools established under this Act shall be under the same inspection, and subject to the same laws in all respects, as other Schools established by the School Corporation, except so far as may be inconsistent with this Act. 37 V. c. 29, s. 22.

Surrender of child to parents or other persons.

**24.** Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or whenever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the Board of School Trustees may discharge said child to the parents or to the party making provision for the care of the child as aforesaid. 37 V. c. 29, s. 23.

**25.** From any order or decision made hereunder by the Minister of Education, an appeal may within one month after the making thereof, be made to the Lieutenant-Governor in Council; and the decision of the Lieutenant-Governor in Council on the matter of appeal shall be final. 37 V. c. 29, s. 24.

### SCHEDULE.

(Section 17.)

[L.S.]

### SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the \_\_\_\_\_ Division Court of the County  
of \_\_\_\_\_

BETWEEN the Public School Board of the City of

*Plaintiffs,*

and

C. D.

*Defendant.*

You, the above-named defendant, are hereby summoned to appear at the next sitting of this Court, to be holden at \_\_\_\_\_ in the County of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_.

the next sitting of said Court, to be holden at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 187\_\_\_\_, at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said \_\_\_\_\_ are liable for the expense of maintaining one E. D., a boy detained in the Industrial School, under the charge of the above-named plaintiffs, in the City of \_\_\_\_\_

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ \_\_\_\_\_ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this                      day of                      A.D. 187 .

By the Court,

X\_\_\_\_\_ Y\_\_\_\_\_ Clerk.

*Clerk.*

# TITLE XIV.

## RELIGIOUS MATTERS

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- CHAP. 214.—Tithes, p. 2184.  
 “ 215.—Rectories, p. 2184.  
 “ 216.—Property of Religious Institutions, p. 2186.
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### CHAPTER 214.

#### An Act respecting Tithes.

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Tithes prohibited to the Protestant clergy, s. 1.

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

No rector &c.,  
to be entitled  
to tithes.

**1.** No tithes shall be claimed, demanded or received by any rector, vicar, or other ecclesiastical person of the Protestant Church within Ontario. C. S. U. C. c. 66, s. 1.

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### CHAPTER 215.

#### An Act respecting Rectories.

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Legal equality of all religious de-	But certain rectories not affected, s. 3. And presentations thereto provided for, s. 4.
nominations, s. 1.	
No rectories to be hereafter estab-	
lished, s. 2.	

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**W**HEREAS the recognition of legal equality among all religious denominations is an admitted principle of Colonial legislation; And whereas, in the state and condition of this Pro-



vince, to which such principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of the civil policy of this Province: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The free exercise and enjoyment of religious profession and worship, without discrimination or preference, provided the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province, is by the constitution and laws of this Province allowed to all Her Majesty's subjects within the same. C. S. C. c. 74, s. 1.

The free exercise of religious profession, &c., guaranteed.

**2.** No letters patent shall be hereafter issued in this Province by the Crown for the erection of any parsonages or rectories, according to the establishment of the Church of England, or for the endowment thereof, out of the Clergy Reserves or the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory. C. S. C. c. 74, s. 2.

No rectories to be hereafter created.

**3.** Nothing herein contained shall in anywise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority of an Act of the Imperial Parliament passed in the thirty-first year of the reign of King George the Third, chapter thirty-one, intituled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" or whereby certain incumbents or ministers were presented, under the same authority, to such parsonages or rectories or any of them, but the legality or illegality of all such proceedings shall be adjudicated upon and determined as if this Act had not been passed. C. S. C. c. 74, s. 3.

Certain rectories not to be affected by this Act.

31 Geo. III. c. 31.

**4.** The right of presenting an incumbent or minister to any such parsonage or rectory shall vest in and be exercised by the Synod of the Church of England Diocese within which the same is situated, or in such other person or persons, bodies politic or corporate, as such Synod, by any by-law or by-laws to be by them from time to time passed for that purpose, may think fit to direct or appoint in that behalf. C. S. C. c. 74, s. 4.

Presentation to such rectories provided for.

## CHAPTER 216.

## An Act respecting the Property of Religious Institutions.

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Conveyances of land for site of church, etc., to be made to trustees, s. 1.	Trustees for two congregations, s. 13.
Powers of trustees.	Registration of deeds before 29th March, 1873, s. 14.
As to mortgages, s. 2.	Deeds since that date, s. 15.
As to leases, ss. 3-6.	Trustees to exhibit accounts annually, s. 16.
As to sales, ss. 7-9.	Act applies to Roman Catholics, s. 17.
Assent of congregation how proved, s. 9.	And is additional to rights conferred by any special Act, s. 18.
Congregation may meet and determine how trustees and their successors shall be appointed, s. 10.	Powers of religious bodies as to holding land, s. 19.
Record of proceedings and evidence, and effect of, ss. 11-12.	

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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Where religious societies desire to take conveyances for site of a church, etc., conveyance may be made to trustees.

Powers of trustees.

**1.** Where any religious society or congregation of Christians in Ontario desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing-office, or for any other religious or congregational purpose whatever, such society or congregation may appoint trustees, to whom and their successors, to be appointed in such manner as may be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, and maintain and defend actions in Law or Equity for the protection thereof, and of their property therein. 36 V. c. 135, s. 1.

Mortgages allowed in certain cases.

**2.** Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building, on land held by trustees for the benefit of any religious society in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof by a mortgage upon the land, church, meeting-

house, chapel, book-store, printing-office or other building ; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon. 36 V. c. 135, s. 2.

3. The grantees in trust named in any letters patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby lands are granted for the use of a congregation or religious body, and any other trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may lease, for any term not exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rents and upon such terms as the trustees or a majority of them deem reasonable. 36 V. c. 135, s. 3.

Powers to lease.

4. In such lease they may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then by the trustees for the time being be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rents or the value of such improvements may also be specified in the original lease. 36 V. c. 135, s. 4.

Powers to agree in leases to renew and pay for improvements by lessee.

5. But the trustees shall not so lease without the consent of the congregation or religious body for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body, duly called for the purpose; nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial ground for the congregation for whose use the land is held. 36 V. c. 135, s. 5.

Consent of *cestuis que trustent* requisite before leasing — consent, how signified.

6. The trustees for the time being entitled by law to hold land in trust for a congregation or religious body, may, in their own names, or by any name by which they hold the land, sue or dis-train for rent in arrear, and may take all such means for the recovery thereof as landlords in other cases are entitled to take. 36 V. c. 135, s. 6.

Remedies to trustees for rent in arrear.

7. Where land held by trustees for the use of a congregation or religious body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the trustees for the time being may give public notice of an intended sale,

Sales, when and how trustees may make.

specifying the premises to be sold and the time and terms of sale; and after publication of the notice for four successive weeks in a weekly paper published in or near the place where the lands are situated, they may sell the land at public auction according to the notice; but the trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered for the land: but this provision shall not affect or vary any special powers or trusts for sale contained in any deed or instrument, and inconsistent herewith. 36 V. c. 135, s. 7.

Special powers  
not affected.

Private sales.

8. The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale. 36 V. c. 135, s. 8.

Before convey-  
ance *cestuisque*  
trustee to be  
notified, and  
sanction ob-  
tained.

9. Before any deed of conveyance is executed in pursuance of a public or private sale, the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained for the execution of the said deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose.

Evidence of.

2. Such assent shall be held in favour of the grantee and his assigns to be conclusively testified by the execution of said deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute said deed as chairman, official head or appointee, shall be presumed to be such chairman, official head or appointee (as the case may be).

When County  
Judge may ap-  
prove of deed.

3. Instead of such assent of the congregation or religious body aforesaid, it shall be sufficient for the validity of any such deed of conveyance, that the sale be sanctioned and the deed approved of by the Judge of the County Court of the County in which the land sold is situate. 36 V. c. 135, s. 9.

Power to con-  
vene public  
meeting,

10. It shall be lawful for any congregation or society of Christians of any denomination, on whose behalf lands in this Province are now, have been, or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the deed of grant, conveyance, will or devise of such lands, or who are or may be entitled to any lands without being a body corporate, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a majority of the members of such congregation or society then and there present, to

and determine  
how successors  
to trustees be  
appointed, or  
trustees.



determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the religious denomination on whose behalf such lands were originally granted, conveyed or conceded, or to appoint a trustee or trustees of any lands to which the said congregation or society is entitled, and their successors in the trust. 36 V. c. 135, s. 10.

**11.** A record of the proceedings of such meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of such congregation or society, and shall be signed by the Chairman and Secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the Chairman or Secretary, on oath (or affirmation) before a Justice of the Peace, shall be recorded in the Registry Office of the County or other Registration Division in which the property is situate ;

Record of proceedings.

Deposit and registry thereof.

**2.** A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the Clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registration Division wherein the same has been registered, according to this section, shall be *prima facie* evidence of the contents thereof. 36 V. c. 135, s. 11.

Copy as evidence.

**12.** Such determination shall, in every such case, have the same effect as a clause in the deed of grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named, would have ; and any lands to which any religious congregation or society, not being incorporated, is entitled, shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and in the successors in the trust, immediately upon the registration of the proceedings in the last preceding section mentioned, and without any or further conveyance or instrument whatsoever. 36 V. c. 135, s. 12.

The determination at the meeting to have the effect of a clause in the deed of grant.

Upon registration of lands of unincorporated bodies to vest in the trustees appointed.

**13.** Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious bodies so united shall have the like powers as are conferred on trustees under this Act, and no others ; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the congregation or religious body, the trustees under this section shall obtain the sanction or assent of each and every of the congregations or religious bodies so united, to be ascertained and signified in the manner hereinbefore mentioned. 36 V. c. 135, s. 13.

The case of two societies desirous to build a house of worship.

Conveyances executed within twelve months from 29th March, 1873, to be as valid as if registered within twelve months from execution, except in case of prior registries.

Proviso as to certain cases of adverse right.

**14.** All deeds of conveyance executed before the 29th day of March, 1873, for any of the uses, interests or purposes enumerated therein, if the same were registered before the 30th of March, 1874, shall be as valid and effectual, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands respectively :

**2.** But in all cases where any such religious bodies had not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property included in any such deed on account of the omission to register the same, had, in virtue of such claim, taken possession of such real estate before the said 29th day of March, 1873, and also in all cases where the persons claiming to hold or to be entitled to such real property, on account of such omission as aforesaid, had actually sold or departed with, or had actually contracted to sell or depart with such real estate before the said date, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed. 36 V. c. 135, s. 14.

Conveyances to be registered within twelve months and subjected to the registry laws.

**15.** The trustees of any lands to which the provisions of this Act apply, shall, within twelve months after the execution of the deed of conveyance, cause the deed to be registered in the office of the Registrar of the County or other Registration Division in which the land is situate, or otherwise the same shall be void ; and further, such deed shall be subject to the law affecting priority of registration in the same manner as if made between private parties. 36 V. c. 135, s. 15.

Trustees to exhibit accounts as to lands sold and leased.

**16.** Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, or of any member thereof, a detailed statement showing the rents which accrued during the preceding year, and all sums of money whatever in their hands, for the use and benefit of the congregation or religious body, which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the congregation or body. 36 V. c. 135, s. 16.

Sec. 1 extended to Roman Catholic churches.

**17.** All the rights and privileges conferred upon any religious society or congregation of Christians in the first section of this Act mentioned, shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of the said Church. 36 V. c. 135, s. 17.

**18.** This Act shall not be construed so as in anywise to repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province, but, on the contrary, any of the said provisions, while differing from or inconsistent with any of the provisions of this Act, shall prevail, and where any additional rights or privileges are conferred by this Act, these shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act. 36 V. c. 135, s. 19.

This Act not to affect special Acts as to religious bodies.

**19.** Any religious society or congregation of Christians in Ontario may, by the name thereof, or in that of trustees, from time to time take or hold, by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest is made at least six months before the death of the person making the same, but the said religious society or congregation shall at no time take or hold by any gift, devise or bequest, so that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, at any one time exceeds in the whole the sum of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said religious society or congregation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said religious society or congregation, which shall have power in the name thereof, or in that of the trustees for said society or congregation, to grant and convey the said lands to any purchaser, so that it no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said society or congregation; and such lands, tenements, or interests therein, or such thereof as have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. 36 V. c. 135 s. 20.

Powers of religious societies as to holding lands.

## TITLE XV.

## PRISONS AND PUBLIC CHARITIES

CHAP. 217—The Central Prison, p. 2192.

“ 218—The Reformatory Prison, p. 2201.

“ 219—Use of Spirituous Liquors in Gaols and Prisons, 2203.

“ 220—Public Lunatic Asylums and the Custody of Insane Persons, p. 2205.

“ 221—Private Lunatic Asylums, p. 2224.

“ 222—Institutions for the Deaf, Dumb and Blind, p. 2255.

“ 223—Public Aid to Charitable Institutions, p. 2257.

“ 224—Inspection of Prisons and Asylums, p. 2262.

[As to Gaols and Lock-up Houses see also Rev. Stat. c. 174, ss. 429-451.]

## CHAPTER 217.

## An Act respecting the Central Prison.

Interpretation, s. 1.

Central Prison continued, s. 2.

Officers of, ss. 3-4.

Powers and duties of the Inspector of Prisons, ss. 5-11.

Transfer of prisoners from Gaols to Central Prison, ss. 12-18.

From Central Prison to Gaols, s. 15.

Powers and duties of Sheriff thereon, ss. 19, 20.

Government of Prison—

The Warden, s. 21.

Security by officers, s. 22.

Oaths of office, s. 23.

Interest in Prison contracts, s. 24.

Officers not to carry on any other calling, s. 25.

No vessel to be moored near Prison, s. 26.

No liquors to be brought into Prison, s. 27.

Discipline :—

Sexes to be kept separate, s. 28.

Hard labour, s. 29.

Solitary confinement, ss. 29, 30.

Remunerative labour, ss. 31-32.

Discharge and escape of prisoners, ss. 33-35.

Property of Prison exempt from taxation, s. 36.

Contracts to be made by Inspector, s. 37.

Books of account to be property of Prison, s. 38.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation.

1. The word “County,” wherever it occurs in this Act, shall include any Union of Counties for judicial purposes, the



District of Algoma, the Territorial District of Muskoka, the Temporary Judicial District of Nipissing, and any other Judicial or Territorial District that may be formed out of any portion of the unorganized territory in this Province. 34 V. c. 17, s. 41.

2. The prison heretofore declared to be the Central Prison <sup>Name of</sup> for the Province, shall be called "The Central Prison for the <sup>prison.</sup> Province of Ontario." 34 V. c. 17, ss. 2 & 3; *Proclamation of 27th June, 1874.*

3. The Lieutenant-Governor may appoint for said Central <sup>Appointment</sup> Prison, a Warden, a Surgeon, a Schoolmaster, an Accountant, a <sup>of certain</sup> Matron, and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant. 34 V. c. 17, s. 5.

4. The Lieutenant-Governor may also appoint a Central <sup>Appointment</sup> Prison Bailiff or Central Prison Bailiffs, who shall be employed <sup>of Central</sup> for the purpose of conveying prisoners from any gaol or other <sup>Prison Bailiffs.</sup> place in which they may be in custody, to the Central Prison, or from the Central Prison to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to him or them by the Inspector of Prisons and Public Charities. 38 V. c. 24, s. 1.

5. The Inspector of Prisons and Public Charities shall, by <sup>Inspector of</sup> virtue of his office, be the Inspector of the said Central Prison <sup>prisons to be</sup> and shall have the same powers in respect thereof as are <sup>ex-officio in-</sup> conferred upon him in respect of the Provincial Reformatory by <sup>Inspector of the</sup> "The Prison and Asylum Inspection Act." 34 V. c. 17, s. 6; <sup>Central Pri-</sup> 39 V. c. 8, s. 4. <sup>son.</sup> <sup>Rev. Stat. c.</sup> 224.

6. The said Inspector shall have power, and it shall be his <sup>Inspector to</sup> duty, to make rules and regulations for the management, disci- <sup>make rules,</sup> pline and police of the said Central Prison, and for fixing and <sup>etc,</sup> prescribing the duties and conduct of the Warden and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time: but no such rule or regulation shall have any effect until and unless it is first approved of by the Lieutenant-Governor in Council. 34 V. c. 17, s. 7.

7. In order to encourage good behaviour and industry, it <sup>Record to be</sup> shall be lawful for the Inspector to make rules so that a correct <sup>kept with view</sup> record of the conduct of every inmate of such prison may be <sup>to mitigation</sup> made, with a view to permit such criminal to earn a remission <sup>of sentence.</sup> of a portion of the term for which he is sentenced to be confined. 34 V. c. 17, s. 20.

Powers of Inspector over officers of the prison.

8. The Inspector shall have power summarily to suspend any of the officers or servants of the said Central Prison for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the Inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the prison; and it shall be the duty of the said Inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient or negligent in the execution of his duty, or whose presence in such Central Prison he deems injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. 34 V. c. 17, s. 8.

Power of Inspector to impose fines on officers of the prison.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of such Central Prison for any act of negligence, carelessness or insubordination by him committed, of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit. 34 V. c. 17, s. 9.

Inspection of prison by Inspector.

10. The Inspector shall have power at all times to enter into such Central Prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such Central Prison, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Central Prison, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers and writings before him; and any person who neglects or refuses to appear at the time and place specified in such order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector, in that behalf, and imprisoned in the Common Gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. 34 V. c. 17, s. 10. *See also Rev. Stat. c. 224, s. 8.*

Oath to be taken by certain officers.

11. It shall also be the duty of the Inspector to audit the accounts of the Warden of such Central Prison; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of such Prison every month; and to administer to the Warden and Accountant an oath or affirmation to the effect following, viz.:

Form.

"I, \_\_\_\_\_, Warden, and I, \_\_\_\_\_, Accountant, of the Central Prison of this Province, make oath (or affirm) and say, that the foregoing statement of revenue and expenditure of the said Central Prison for the month of \_\_\_\_\_, 18\_\_\_\_, is true and correct."

34 V. c. 17, s. 11.

**12.** All persons from time to time confined in any of the Common Gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such Common Gaols respectively to the Central Prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which any such person was originally sentenced or committed to such Common Gaols respectively; and such persons shall thereupon be imprisoned in the Central Prison for the residue of the said respective terms, and shall be subject to all the rules and regulations of the Central Prison. 34 V. c. 17, s. 14. *See also* 36 V. c. 69, s. 1 (*Dom.*).

Prisoners to be transferred from Common Gaols to Central Prison.

**13.** Every person convicted before one or more Justice or Justices of the Peace, or by a Police Magistrate, of any offence cognizable by such Justice or Justices, or Police Magistrate, and for which punishment by imprisonment in the Common Gaol may be awarded, for any period not less than fourteen days, and committed to a Common Gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from such Common Gaol to the Central Prison, and there imprisoned for the unexpired portion of his sentence in the Central Prison instead of the Common Gaol of the County. 34 V. c. 17, s. 16.

Imprisonment in Central Prison on conviction by Justices.

**14.** Every Court before which any person is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the Common Gaol, may, sentence such person to imprisonment in the Central Prison instead of the Common Gaol of the County where the offence was committed or was tried. 34 V. c. 17, s. 15. *See also* 36 V. c. 69, s. 1 (*Dom.*).

Convicts may be sentenced to Central Prison instead of Common Gaol.

**15.** The Lieutenant-Governor may from time to time, by warrant, signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal, from the Central Prison to the Provincial Reformatory, or from the Central Prison back to the Common Gaol, or from the said Reformatory to the Central Prison, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. 34 V. c. 17, s. 18. *See also* 36 V. c. 69, s. 5 (*Dom.*).

Transfer of prisoners from Central Prison to Reformatory or Gaol.

**16.** The Warden of the Central Prison or Reformatory, or the keeper of any Common Gaol having the custody of any convict or offender ordered to be removed, shall, when required so to do, deliver up the said convict or offender, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict or offender, as given him on reception of the person into his custody, to the constable or other officer or person who produces the said warrant. 34 V. c. 17, s. 19.

Wardens and gaolers to deliver up prisoners for removal.

Conveyance of  
prisoners to  
Central Pri-  
son.

**17.** The Sheriff or Deputy Sheriff of any County, or any Bailiff, Constable or other officer or person, by his direction, or by direction of the Court, or other lawful authority, may convey to the Central Prison any convict sentenced or liable to be imprisoned therein, and deliver him to the Warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the Clerk or acting Clerk of such Court. 34 V. c. 17, s. 21.

Warden to re-  
ceive prisoner  
and detain  
him.

**18.** The Warden shall receive into the Central Prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced is completed, or until he is otherwise discharged in due course of law. 34 V. c. 17, s. 24. *See also* 36 V. c. 69, s. 3 (*Dom.*)

Powers of  
Sheriff, &c.,  
in that behalf.

**19.** The Sheriff or other officer or person employed by competent authority to convey any such offender to the Central Prison, or to or from the Provincial Reformatory, Penitentiary, or Common Gaol, as by law provided, may secure and convey him through any County or District through which he may have to pass; and until such offender has been delivered to the Warden of such Central Prison, Reformatory, or Penitentiary, or the keeper of such Common Gaol, the said Sheriff, or other officer or person, shall have in every part of this Province through which it may be necessary to convey such offender, the same power and authority over and with regard to such offender, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the Sheriff of the County in which he was convicted would himself have in conveying him from one part to another of that County. 34 V. c. 17, s. 22.

Sheriff, &c.,  
to give and  
take receipt  
for prisoners.

**20.** The said Sheriff, or other officer or person, shall give a receipt to the said Warden or Gaoler for the said convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender with the said attested copy into the custody of the Warden or Gaoler of the Central Prison, Reformatory, or Common Gaol, mentioned in the said warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to such Sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the Central Prison, Reformatory or Common Gaol to which he has been so removed, until the termination of his sentence, or until his pardon, or release, or discharge by law, unless he is in the meantime again removed under competent authority. 34 V. c. 17, s. 23.

Powers and  
duty of war-  
den.

**21.** The Warden of the Central Prison shall reside within such Prison, and shall be the chief executive officer of the



same, under the direction of the Inspector, and as such shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions from time to time duly made by the Inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 34 V. c. 17, s. 25.

**22.** The Warden, the Accountant, and every storekeeper and steward of the Central Prison shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say—

1. The Warden in.....	\$8,000	Amount.
With two sureties in (each).....	4,000	
2. The Accountant, Storekeeper and Steward (each)	4,000	
With two sureties (each) in.....	2,000	

which bond shall be filed in the office of the Provincial Secretary and Registrar. 34 V. c. 17, s. 26. Bond to be filed.

**23.** The Warden and every other officer or servant employed permanently in the Central Prison, shall severally take and subscribe, in a book to be kept for that purpose by the Accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:—

“I (A. B.) do promise and swear (or affirm), that I will faithfully, Form. diligently and justly serve and perform the office and duties of in the Central Prison of this Province to the best of my ability, and that I will carefully observe and carry out all the regulations of the said Prison : So help me God.”

which oath may be administered by the Inspector, or, in the case of any other of the said officers, by the Warden. By whom administered.  
34 V. c. 17, s. 27.

**24.** No Inspector, Warden or other officer or servant employed in such Central Prison, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish or supply any materials, goods or provisions, for the use of such Central Prison ; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting one thousand dollars, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province. 34 V. c. 17, s. 28. Warden, &c., not to be interested in any prison contract. Penalty.

**25.** No Warden, officer or servant, except the Surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such Central Prison ; nor shall any such officer buy Officers not to be engaged in any other business.

from or sell to any convict in the said Prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or visitor, or any other person; nor employ any convict in working for him. 34 V. c. 17, s. 29.

No vessel to moor within 300 feet without permission, under penalty.

**26.** No raft, boat, vessel or craft of any kind, shall be moored or anchored within three hundred feet of the shore or wharf bounding the lands of such Central Prison, without the permission of the Warden thereof being first had and obtained; and any person violating the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or other craft, in whomsoever the property thereof may be, as well as on the proper goods and chattels of the offender; and in default of the payment of the same with costs of suit, such offender shall be imprisoned at hard labour for any period not exceeding two months. 34 V. c. 17, s. 30.

No liquors, tobacco, etc., to be admitted.

**27.** No spirituous or fermented liquors shall, on any pretence whatever, be brought into the Central Prison for the use of any officer or person in the institution, except the Warden, or for the use of any convict confined therein (except under the rules of the institution); and any person giving any spirituous or fermented liquors, or tobacco, or snuff, or cigars, to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of forty dollars to the Warden, to be by him recovered for the use of the Prison, in any Court of competent jurisdiction. 34 V. c. 17, s. 31.

Females to be kept separate from males.

**28.** The female convicts or prisoners shall be kept distinct and secluded from the male convicts, and shall be under the charge of the Matron. 34 V. c. 17, s. 32.

Hard labour and solitary confinement.

**29.** The said Central Prison shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof; and solitary confinement shall form part of the discipline thereof. 34 V. c. 17, s. 4.

Cells for solitary confinement.

**30.** The Central Prison shall contain not less than fifty penal cells, for the separate and solitary confinement of such prisoners as are sentenced to solitary confinement, or for enforcing obedience to the rules and discipline of the said Prison. 34 V. c. 17, s. 33.

Lieut-Governor, nor may acquire lands.

**31.** The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding the Central Prison, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres, and may cause the same to be securely enclosed. 34 V. c. 17, s. 12.

**32.** The Lieutenant-Governor, by Order in Council, may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such Central Prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the rules, regulations and discipline of the said Central Prison, so far as the same may be applicable, and to such other regulations, for the purpose of preventing escapes and otherwise, as may be approved by the Lieutenant-Governor in that behalf.

Employment of prisoners without the precincts of the prison, under certain regulations.

2. No such prisoner or prisoners shall be so employed without the walls or limits of such Central Prison, except under the strictest care and supervision of officers appointed to that duty.

Under supervision.

34 V. c. 17, s. 17. See also 36 V. c. 69, s. 4. (*Dom.*)

**33.** Whenever the time of the sentence of any prisoner committed to the said Central Prison for an offence against any Act of the Legislature of Ontario, expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the following Monday. 34 V. c. 17, s. 38. See also 36 V. c. 69, s. 6 (*Dom.*).

Prisoner not to be discharged on a Sunday.

**34.** No prisoner shall be discharged from such Central Prison at the termination of his sentence if then labouring under any cutaneous or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such prison until he recovers from such disease or illness: and any convict or prisoner remaining from any such cause in any such Central Prison shall be under the same discipline and control as if his sentence were still unexpired. 34 V. c. 17, s. 39.

Prisoners labouring under certain diseases not to be discharged until cured.

**35.** Any escape, prison breach or attempt to escape by any person confined in or sentenced to the Central Prison shall be punished as may be provided by the rules and regulations of the Prison in that behalf. 34 V. c. 17, s. 40.

Escape, etc., punishable according to the rules of the prison.

**36.** The Central Prison shall be held to include all the land and real estate procured or acquired under the thirty-first section of this Act; and all buildings and machinery erected or used thereon, and all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being the property of such Central Prison, or employed in its service, and the real property of every such Prison, and every other property or description of property belonging thereto, shall be and remain vested in Her Majesty, Her Heirs and Successors; but the Warden for the time being shall have the custody and care thereof, under such regulations as may be provided in that behalf; and all such property, real and personal, shall be exempt from taxation for municipal purposes. 34 V. c. 17, s. 34.

Property belonging to Central Prison vested in Her Majesty, exempt from taxation.

Contracts,  
how to be  
made.

**37.** All dealings and transactions on account of the said Central Prison, and all contracts for goods, wares or merchandize, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such Central Prison, or for the hire, labour or employment of any of the prisoners, either within or without the limits of such Central Prison, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty. 34 V. c. 17, s. 36.

Books of account, etc., to remain in the prison.

**38.** All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the said Central Prison, shall be considered the property of such Prison, and shall remain therein ; and the Warden of such Central Prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. 34 V. c. 17, s. 37.

Official reports to be preserved, etc.

[See as to fees payable to Sheriff's and Gaol Surgeons for services in connection with offenders sentenced or liable to be removed or sentenced to the Central Prison, Rev. Stat. c. 84. s. 8 and Schedule, p. 893.]



## CHAPTER 218.

## An Act respecting the Reformatory Prison.

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Reformatory Prison, continued, s. 1.	Offenders under Provincial Acts
Appointment of Officers, ss. 2, 3.	who may be sent to the Reforma-
Powers and Duties of Warden, s. 4.	tory, ss. 7, 8.
Farm may be attached to Reforma-	Discharge, s. 9.
tory Prison, s. 5.	Offenders under the Criminal Law
Inspector may make rules for gov-	of Canada, C. S. C. [c. 107, ss. 8-13.
ernment, s. 6.	

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Reformatory Prison heretofore established for this Province is hereby continued. *See C. S. C. c. 107, s. 1.* Reformatory Prison continued.
2. The Lieutenant-Governor may from time to time appoint for the Reformatory Prison, a Warden, a Protestant Chaplain, a Roman Catholic Chaplain, a Surgeon and a Clerk, to hold office during pleasure. *C. S. C. c. 107, s. 2.* Officers to be appointed by the Lieutenant-Governor.
3. The Warden of the said Prison, by and with the consent of the Inspector of Prisons and Public Charities, may appoint such other officers, assistants and servants as may be necessary for the service and discipline of the prison, and at pleasure remove the same and appoint others in their room. *C. S. C. c. 107, s. 3; 39 V. c. 8, s. 4.* Other officers by the Warden.
4. The Warden of the Reformatory Prison shall have and perform the same powers and duties, with respect to such Prison, as were on the fifth day of December, one thousand eight hundred and fifty-nine vested in the Warden of the Provincial Penitentiary by law, except in so far as they have been heretofore altered or may be hereafter altered by this Act or by the rules made under the provisions of "*The Prison and Asylum Inspection Act.*" *C. S. C. c. 107, s. 14.* Powers and duties of Wardens.  
Rev. Stat. c. 224.
5. The Lieutenant-Governor may cause to be procured and provided, surrounding or adjacent to the Reformatory Prison, a tract of land fit for agricultural purposes not exceeding two hundred acres, and may cause the same to be securely enclosed, Farm may be attached to such prison and considered as part thereof.

and the Prison shall be held to include all the land contained within such enclosure. C. S. C. c. 107, s. 16.

Inspector may make rules,

**6.** The Inspector of Prisons and Public Charities may from time to time frame rules for the government and regulation of the said Reformatory Prison, and for the discipline of the offenders confined therein, and shall submit such rules to the Lieutenant-Governor; and upon such rules being approved by the Lieutenant-Governor, they shall be thereupon enforced in the said Prison.

with approval of Lieutenant-Governor,

To be laid before Legislative Assembly.

**2.** All such rules shall be laid before the Legislative Assembly within six weeks after the then next meeting thereof. C. S. C. c. 107, s. 15.

Certain persons may be sent to Reformatory instead of the Common Gaol—and by what authority.

**7.** Wherever any person under the age of sixteen years is convicted of any contravention of an Act of the Legislature of Ontario which is punishable on summary conviction, and is thereupon sentenced and committed to prison in any common gaol, then any Judge of the Superior Courts of Law or the Judge of any County Court (in any case occurring within his County,) may examine and enquire into the circumstances of such case and conviction, and may direct such offender to be sent, either forthwith, or at the expiration of his sentence, to the Reformatory Prison, to be there detained for a period of not less than six months and not exceeding two years, and such offender shall be liable to be detained pursuant to such direction. C. S. C. c. 107, s. 8.

No offender to be so sent unless sentenced to the Common Gaol for 14 days.

**8.** No offender shall be directed to be so sent and detained as aforesaid, unless the sentence of imprisonment to the Common Gaol as aforesaid, is for fourteen days at the least. C. S. C. c. 107, s. 9.

Lieut. Governor may order his discharge.

**9.** The Lieutenant-Governor may at any time order any such offender to be discharged from such Reformatory Prison. C. S. C. c. 107, s. 10.

*[Sections 8, 9, 10, 11 and 13 of C. S. C. c. 107, are as follows:]*

And certain others instead of being sent to the Common Gaol—and by what authority.

**8.** Whenever, after the said buildings have been declared by Proclamation to be Reformatory Prisons, any person under the age of sixteen years is convicted of any offence punishable by law on summary conviction, and thereupon sentenced and committed to prison in any Common Gaol, then and in every such case which occurs in Lower Canada, any Judge of the Superior Courts of Lower Canada, and in every such case which occurs in Upper Canada, any Judge of either of the Superior Courts of Upper Canada, and any Judge of any County Court (in any case occurring within his County,) may examine and enquire into the circumstances of such case and conviction, and may direct such offender to be sent, either forthwith or at the expiration of his sentence, to the Reformatory Prison for that section of the Province within which such conviction was had, to be there detained for a period of not less than six months and not ex-

ceeding two years, and such offender shall be liable to be detained pursuant to such direction. 20 V. c. 28, s. 6.

9. No offender shall be directed to be so sent and detained as aforesaid, unless the sentence of imprisonment to the Common Gaol as aforesaid, be for fourteen days at the least. 20 V. c. 28, s. 6.

No offender to be so sent unless sentenced to the Common Gaol for 14 days.

10. The Governor may at any time order any such offender to be discharged from such Reformatory Prison. 20 V. c. 28, s. 6.

Governor may order his discharge.

11. The Governor may, at any time, in his discretion, cause any convict in the Penitentiary whose age may appear to the Inspectors not to exceed the age of twenty-one years, to be transferred to either of the Reformatory Prisons of this Province for the remainder of the term of imprisonment for which such convict has been sentenced. 22 V. c. 88, s. 2, (1858).

Governor may cause any convict under 21 to be removed to a Reformatory Prison.

13. The Governor in his discretion may at any time, on report of the Inspectors, order any offender sentenced under the fifth section of this Act, or any convict transferred to either of the Reformatory Prisons of this Province, under the eleventh section of this Act, to be removed from either of the said Reformatory Prisons, as incorrigible; and in every such case, the offender or convict shall be confined in the Penitentiary for the remainder of the term of imprisonment for which such offender or convict was originally sentenced in such Reformatory Prison or in the Penitentiary. 20 V. c. 28, s. 9; 22 V. c. 27, s. 5 (1859).]

Incorrigible offenders to be removed to the Penitentiary.

## CHAPTER 219.

### An Act respecting the use of Spirituous Liquors in Gaols and Prisons.

Licenses to retail liquors in Gaols not to be granted, s. 1.  
Penalty for supplying prisoners with liquor, s. 2.  
Procedure for punishment of offenders, ss. 3-6.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. No license shall be granted for retailing spirituous liquors within any gaol or prison; and if any gaoler, keeper or officer of any gaol or prison, sells, lends, uses or gives away, or

No license to be granted for retailing spirituous liquors within gaols.

knowingly permits or suffers any spirituous liquors or strong waters to be sold, used, lent or given away in such gaol or prison, or to be brought into the same, other than such spirituous liquors or strong waters as may be prescribed by or given by the prescription and direction of a legally qualified medical practitioner, such gaoler, keeper or other officer shall, for every such offence, forfeit the sum of eighty dollars, one moiety thereof to Her Majesty, for the public uses of the Province, and the other moiety, with full costs of suit, to the person who sues for the same in any of Her Majesty's Courts of Record in Ontario, and in case any gaoler or other officer, having been so convicted, offends again in like manner, and is thereof a second time convicted, such second offence shall be a forfeiture of his office. C. S. U. C., c. 127, s. 4.

Penalty on  
gaolers trans-  
gressing in this  
respect.

Penalty on  
persons sup-  
plying spirits  
to a prisoner  
in gaol.

2. If any person gives, conveys or supplies to any prisoner confined in any Common Gaol or House of Correction, any rum, brandy, whiskey, or other spirituous liquors, contrary to the rules and regulations from time to time established by law, such offender, being duly convicted thereof before two Justices of the Peace, shall be fined a sum not exceeding twenty dollars. C. S. U. C. c. 127, s. 6.

Any one Justice  
may summon  
the party  
accused,

And in default  
of appearance  
may proceed  
*ex parte*.

3. In case any person is charged on the oath of one credible witness, before any one Justice of the Peace, with any offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in such summons; and if he does not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally) any two Justices of the Peace for the County where the offence is alleged to have been committed, may either proceed to hear and determine the case *ex parte*, or may issue their warrant for apprehending such person, or any one of the said Justices may, if he thinks fit, without any previous summons, issue such warrant. C. S. U. C. c. 127, s. 7.

Power to sum-  
mon witnesses.

4. Such Justices may summon witnesses, either in support of the prosecution or for the defendant; and if any person having been personally summoned to attend as a witness, neglects or refuses to attend, or fails to show some reasonable excuse for his non-attendance, he may be fined for such non-attendance by the Justices assembled to try the offence, in any sum not exceeding twenty dollars, to be enforced in manner and form mentioned in the last preceding section. C. S. U. C. c. 127, s. 8.

In default of  
payment of  
fine and costs,

5. In default of payment of any fine imposed under the authority of this Act, together with the costs attending the same, within the period specified for the payment thereof, at the time of the conviction by the Justices before whom such conviction has taken place, such Justices may issue their war-



rant, directed to any constable, to levy the amount of such fine and costs of the goods of the offender, within a certain time to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount can be found, they may commit the offender to the Common Gaol or House of Correction of the County wherein the offence was committed, for any time not exceeding one month, unless the fine and costs are sooner paid. C. S. U. C. c. 127, s. 9.

Offender may  
be committed.

6. No conviction under this Act shall be quashed for want of form, and no warrant of committal shall be held void by reason of any defect therein, if it is alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. C. S. U. C. c. 127, s. 10.

No conviction  
or committal  
to be quashed  
for want of  
form.

## CHAPTER 220.

### An Act respecting Lunatic Asylums and the Custody of Insane Persons.

Interpretation, s. 1.  
Certain Asylums vested in the Crown, s. 2.  
Designation thereof, s. 3.  
The Hospital for Inebriates, set apart as "The Asylum for the Insane, Hamilton," s. 4.  
Officers of, ss. 5-7.  
Admissions into, ss. 8-10.  
Removal of patient not to affect agreement for maintenance, s. 11.  
Committal of dangerous lunatics, ss. 12-18.  
Certain inquiries to be made in such case, ss. 19-25.  
Removal of insane prisoners to Asylum on order of Lieutenant-Governor, s. 26.  
Enquiries as to property of supposed lunatics in county gaols, ss. 27, 28.  
Discharge of supposed lunatic, s. 29.  
Removal to an Asylum, ss. 30-32.  
Or to last place of abode, s. 33.  
Expenses of inquiries and conveyance to Asylum, s. 34.  
Discharges from Asylums, s. 35.  
Escape and recommittal, ss. 36-39.

Maintenance of lunatics, ss. [40-45.  
Powers of Inspector :—  
To sue relations for maintenance of lunatic, s. 45.  
Or take possession of property, ss. 46, 47.  
And sell or otherwise deal with same, s. 48.  
To be Committee of all lunatics in Asylums, s. 49.  
Except when Court of Chancery appoints another committee, s. 49.  
But prior acts of Inspector valid, s. 50.  
Inspector to be *ex officio* executor of deceased lunatic in certain cases, s. 51.  
How inspector to sell real property, s. 52.  
Liability to account, s. 53.  
Disputes, how settled, s. 54.  
Moneys in Court of Chancery payable to Inspector, s. 55.  
Inspector may make special order as to comfort of lunatic, s. 56.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpreta-  
tion—

1. In the construction of this Act the following words shall have the meanings hereby assigned to them :—

“Inspector.”  
Rev. Stat. c.  
224.

(1) “Inspector” shall mean the Inspector of Prisons and Public Charities, appointed under “*The Prison and Asylum Inspection Act*.”

“Lunatic.”

(2) “Lunatic” shall mean any insane person, whether found so by inquisition or not.

“Father.”

(3) “Father” shall include any husband of the lunatic’s mother, and “Mother” shall include any wife of the lunatic’s father: provided, in either case, that the birth of such lunatic

“Mother.”

was legitimate. 36 V. c. 31, s. 31.

Certain Asy-  
lums vested in  
the Crown.

2. The Asylums for the Insane at Toronto, London, Kingston and Orillia, and any other public Asylums that may be established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal, belonging thereto, shall be vested in the Crown. 34 V. c. 18, s. 1.

Designation  
of asylums.

3. Such Asylums shall be called “The Asylum for the Insane, Toronto,” or “The Asylum for the Insane, London,” or elsewhere, according to the fact. 34 V. c. 18, s. 2.

The same.

4. The Ontario Hospital for Inebriates which, or a portion of which, has heretofore been set apart and used for the purposes of an Asylum for the Insane, by virtue of an Order of the Lieutenant-Governor in Council, made pursuant to the Act passed in the thirty-ninth year of Her Majesty’s reign, and chaptered twenty, shall, so long as the same continues to be used for the purposes aforesaid, be deemed to be a public Asylum established for the custody and treatment of insane persons, and shall be called “The Asylum for the Insane, Hamilton.” See 39 V. c. 20; 34 V. c. 18, s. 2.

39 V. c. 20 (O)

#### Officers.

Medical super-  
intendent, ap-  
pointment and  
duties of.

5. The Lieutenant-Governor may from time to time appoint in each Asylum a Medical Superintendent, who shall—

1. Direct and control the medical and moral treatment of the patients;

2. Hire and discharge from time to time the attendants and servants;

3. Watch over the internal management, and maintain the discipline and due observance of the by-laws of the institution ;

4. Report the condition thereof to the Inspector of Prisons and Public Charities at each visit ;

5. Annually report to the Inspector upon the affairs of the institution, with such suggestions as may in his opinion tend to the improvement of the Asylum. 34 V. c. 18, s. 3 ; 39 V. c. 8, s. 4.

6. The financial business and affairs of each of the said Asylums shall be conducted by an officer to be appointed from time to time by the Lieutenant-Governor, to be called "The Bursar," who shall—

The Bursar,  
appointment  
and duties of.

1. Report the state of the income and expenditure of the Asylum to the Inspector quarterly, and to the Medical Superintendent monthly ;

2. Perform such other duties as may be assigned to him under any rules or regulations in force respecting such Asylum, and in accordance with the direction of the Inspector. 34 V. c. 18, s. 4.

7. The Lieutenant-Governor may fix the salaries of the Medical Superintendent, not to exceed two thousand dollars, and that of the Bursar, not to exceed one thousand two hundred dollars, and the same shall be payable out of any funds appropriated to the support of the said Asylum. 34 V. c. 18, s. 23.

Salary to Su-  
perintendent  
and Bursar.

### *Admissions.*

8. No person shall be admitted into any of the said Asylums as a lunatic (except upon an order of the Lieutenant-Governor) without the certificates (Form A) of three medical practitioners, each attested by the signatures of two subscribing witnesses, and bearing date within three months of the time of such admission. 36 V. c. 31, s. 31.

No admission  
without order  
of Lieutenant-  
Governor or  
certificates of  
three doctors.

9. Each such certificate shall state that the medical practitioner signing the same personally examined the patient separately from any other medical practitioner, and after due inquiry into all necessary facts relating to the case of such patient, found him to be insane ; and the medical practitioner so certifying shall also, in such certificate, specify the facts upon which he has formed his opinion that the person to whom such certificate relates is insane, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. 36 V. c. 31, s. 31.

Contents of  
certificates.

Effect of certificates as authority to detain.

**10.** Such certificates shall be a sufficient authority to any person to convey the lunatic to any of the said Asylums, and to the authorities thereof to detain him therein, or to the authorities of any other Asylum to which such lunatic may have been or may be removed by the order of the Inspector of Prisons and Public Charities to detain him in such Asylum, as long as he continues to be insane. 36 V. c. 31, s. 31; 40 V. c. 8, s. 71 (1).

Agreements for maintenance of patients to continue in force notwithstanding a removal to a different asylum.

**11.** Where any obligation or agreement has been or may be entered into with the Bursar of an Asylum or with Her Majesty to secure the payment of the charges for the maintenance of any patient in an Asylum, or to secure the payment of part thereof, such obligation and agreement shall be and continue in force and binding, and the parties thereto shall be and continue liable for the maintenance or partial maintenance of the said patient, so long as he is maintained in a Provincial Asylum notwithstanding his removal to an Asylum different from that named in the obligation or agreement: but when such obligation or agreement is for a limited period of time, nothing herein contained shall be construed to extend the liability beyond the period limited. 40 V. c. 8, s. 71 (2).

### *Committal of Dangerous Lunatics.*

On information as to insanity before a justice, he may issue warrant to apprehend.

**12.** Where an information is laid before one or more of Her Majesty's Justices of the Peace for any territorial division that any person, being within the limits of the jurisdiction of such Justice or Justices, is, or is suspected and believed by the person laying such information to be insane and dangerous to be at large, and has exhibited a purpose of committing some crime for which, if committed, such person would be liable to be indicted, such Justice or Justices of the Peace may issue his or their warrant to apprehend such person and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same territorial division. 36 V. c. 31, s. 1.

Warrant to apprehend, form of.

**13.** Every such warrant (Form B) shall be under the hand and seal of the Justice or Justices issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the Justice or Justices issuing the same has or have jurisdiction; and shall name or otherwise describe the person against whom the information has been laid; and shall state that information has been laid on oath that such person is insane and dangerous to be at large, and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom such information has been laid and to bring him before the Justice or Justices issuing the warrant, or before some other Justice or Justices of the Peace for the territorial division, in order that inquiry may be made respecting the sanity of such person, and



that he may be further dealt with according to law. 36 V. c. 31, s. 2.

**14.** Where the person alleged to be insane has been apprehended under the warrant, he shall be brought before the same Justice or Justices of the Peace, or some other Justice or Justices of the Peace for the same territorial division, and the Justice or Justices may thereupon by his or their warrant (Form C) commit the said alleged insane person to the Common Gaol or other prison, or if the Justice or Justices think fit, to the custody of the constable or other person who apprehended him, or to such other safe custody as the Justice or Justices deem fit; and they shall in such case order the person apprehended to be brought up at a certain time or place before the Justice or Justices, of which order the informant shall have due notice; or the Justice or Justices may, if he or they consider fitting, proceed forthwith to hear the matter as in the next section directed; but no committal under this section shall be for a longer period than three days. 36 V. c. 31, s. 3.

Proceedings on apprehension.

Warrant of committal.

**15.** Upon the day so appointed the said Justice or Justices shall proceed to hear such evidence under oath as may be adduced with reference to the alleged insanity of the prisoner; and shall then or previously direct inquiry to be made as to the friends and relatives of the prisoner in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the prisoner may be had before the committal of the prisoner to custody as an insane person is directed. 36 V. c. 31, s. 4.

Hearing of evidence; inquiry among friends, etc.

**16.** Such Justice or Justices may from time to time adjourn the inquiry, and again commit for safe custody until proper inquiry is made as herein directed. 36 V. c. 31, s. 5.

Adjournment of inquiry.

**17.** If after reasonable inquiry has been made by the Justice or Justices, he or they is or are satisfied that the prisoner is insane and dangerous to be at large, such Justice or Justices shall commit (Form D) such prisoner to the Common Gaol of such territorial division, there to remain until the pleasure of the Lieutenant-Governor is known, or until the prisoner is discharged by law. 36 V. c. 31, s. 6.

Committal on finding of insanity.

**18.** But in case it appears to such Justice or Justices that such prisoner is not insane, or is not dangerous to be at large, then such Justice or Justices shall forthwith discharge such person. 36 V. c. 31, s. 7.

Discharge as not insane.

**19.** If the Justice or Justices is or are satisfied that the person so apprehended as aforesaid is insane and dangerous to be at large it shall also be the duty of such Justice or Justices to make inquiry whether such prisoner is possessed of any and of what property, and where the same is situated, and also as to

Inquiry as to property and dependents.

the number of persons (if any) who are dependent for support upon such prisoner, so that it may be ascertained whether such prisoner should be sustained as an insane pauper or not. 36 V. c. 31, s. 8.

Justice to en-  
quire as to  
matters in  
schedule 2.

**20.** It shall also be the duty of such Justice or Justices, upon the examination of the witnesses in respect to such alleged insanity, and the danger of permitting the person apprehended to be at large, to elicit as far as such Justice or Justices may be able all information in respect to the matters set out in Schedule No. 2 to this Act. 36 V. c. 31, s. 9.

If the Justice  
thinks in-  
quiries would  
be less expensive  
in the County  
Town, to cer-  
tify accordingly,

**21.** If, in the opinion of the Justice or Justices, it will be much less expensive to make the inquiries directed in the two preceding sections in the County Town, or in case he or they find that the persons whom it is necessary to examine in order to obtain the information desired live at a considerable distance, the Justice or Justices may, in lieu of making said inquiries, certify such fact or facts, and such Justice or Justices shall in such case be excused from making such inquiries. 36 V. c. 31, s. 10.

Whereon he  
shall send the  
certificates,  
&c., to keeper  
of the gaol,  
who shall  
transmit to the  
Sheriff.

**22.** Such Justice or Justices shall forthwith send, certified, to the keeper of the Gaol to which such insane person is committed, the depositions taken before him or them, and also the certificate (if any) given under the preceding section, and such keeper of the Gaol shall forthwith deliver the same to the Sheriff. 36 V. c. 31, s. 11.

Judge of  
County Court  
to make in-  
quiries requir-  
ed by ss. 19 and  
20.

**23.** The Judge of the County Court of the County, or the Deputy or Junior Judge, or if there is no Deputy or Junior Judge, and the said Judge of the County Court be absent from the County, or unable to act, then such other Justice of the Peace as may be requested by the County Court Judge to act in his stead in this behalf, shall, as soon as conveniently may be, cause to be made such of the inquiries directed to be made by the nineteenth and twentieth sections of this Act as have not been previously fully made; and the County Crown Attorney shall cause to be summoned the witnesses required therefor; but should the said Judge or other Justice find that such inquiries will be expensive, or that sufficient information has been obtained for the purposes of this Act by other means, then such Judge or Justice need not make the inquiries by this section directed. 36 V. c. 31, s. 12.

When excused

Compelling  
attendance of  
witnesses.

**24.** Any Judge, Justice or Justices of the Peace acting in respect of any inquiry herein directed to be made, shall have the like authority for compelling the attendance of witnesses as a Justice or Justices would have under any Act in force respecting Summary Convictions, and may give directions to any constable or peace officer; and every such constable and peace officer is hereby required to obey the same in like manner;

Directions to  
peace officers.

and all the provisions of the said Acts as to procedure under the same shall, as nearly as may be, apply to proceedings under this Act, unless where different provisions are herein made. 36 V. c. 31, s. 13.

**25.** Every person committed as an insane and dangerous person under this Act shall remain in confinement in the Gaol mentioned in the warrant until he is thence removed to some Asylum or other place of safe keeping by direction of the Lieutenant-Governor, or until an order for his discharge is made by the Lieutenant-Governor, or until he is discharged under the provisions of the twenty-ninth section. 36 V. c. 31, s. 14.

**26.** The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned for an offence under the authority of any of the Statutes of this Province, or imprisoned for safe custody, charged with such an offence as the Lieutenant-Governor considers sufficient, may order the removal of such insane person to an Asylum for the Insane; and such person shall remain there, or in such other Asylum, or other place of safe keeping, as the Lieutenant-Governor may from time to time order, until his complete or partial recovery, or until other circumstances justifying his discharge from such Asylum or place are certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged. 40 V. c. 7, *Sched. A* (204).

### *Examination of Insane Convicts in Gaols.*

**27.** The Judge, Deputy or Junior Judge of the County Court of the County in the Common Gaol of which any person imprisoned for an offence is confined, and which person is, in the opinion of the Gaol Surgeon, insane, may, and if required by any regulations, approved by the Lieutenant-Governor in Council, made respecting the admission of patients into Asylums for insane persons, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by the nineteenth and twentieth sections of this Act; and in case there is no Deputy or Junior Judge for any such County Court, and the Judge is absent from the County or is unable to act, then the said inquiries may be made by such Justice of the Peace as may be requested by the said County Court Judge to act in his stead in this behalf. 36 V. c. 31, s. 27.

**28.** The provisions of the twenty-third and twenty-fourth sections of this Act shall apply to inquiries made under the preceding section. 36 V. c. 31, s. 28.

*Discharge of persons committed under Secs. 12-26.*

Discharge,  
how obtained.

**29.** If the Judge of the County Court of the County, or the Deputy or Junior Judge, or if there is no such Deputy or Junior Judge, and the said County Court Judge is absent from the County, or unable to act, then if such other two Justices of the Peace as may be authorized by the said Judge to act in his stead in this behalf certify (Form E) that he or they has or have personally examined a prisoner committed under the sections of this Act from twelve to twenty-six inclusive, and that he or they is or are satisfied that such prisoner is not insane, or that such prisoner, though insane, is not dangerous to be at large, and is not, in the opinion of such Judge or Justices, a proper person to be confined in an Asylum for the Insane, and if two medical practitioners (of whom the Gaol Surgeon shall be one,) each separately from the other, personally examine such prisoner, and certify in like manner (Form F), then, in either of such cases, such prisoner shall be forthwith discharged by the keeper of the Gaol in which such prisoner is confined. 36 V. c. 31, s. 15.

*Removal to an Asylum.*

Certificate of  
insanity by  
Justices and  
medical men,  
Committal  
thereon to  
asylum.

**30.** In case the said medical practitioners duly certify (Form G) that they have personally examined such prisoner as aforesaid, and that he is insane, and a proper person to be confined in an Asylum for the Insane, and in case the said examining Judge or Justices duly certify (Form H) that they have personally examined such prisoner as aforesaid, and that from such examination, and from the evidence adduced before him or them, he or they is or are of opinion that such prisoner is insane and a proper person to be confined in an Asylum for the Insane, the Lieutenant-Governor, upon receipt of such certificates, may, through the Provincial Secretary, direct that such prisoner shall be removed to such Asylum for the Insane, or other place of safe custody, as may by the Lieutenant-Governor be deemed fit.

2. Each medical practitioner signing a certificate under this section shall specify therein the facts upon which he has formed his opinion. 36 V. c. 31, s. 16; 40 V. c. 7, *Sched. A* (207).

Order for re-  
moval.

**31.** An order for the removal of any insane person, imprisoned or confined under any warrant or order of a Justice of the Peace, may be made by the Lieutenant-Governor, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined. 34 V. c. 18, s. 8.

Custody of  
person com-  
mitted to  
asylum, etc.,  
till discharged.

**32.** Every person so removed, as mentioned in the thirtieth section, or already removed, or in custody by authority of the Lieutenant-Governor, in any Asylum for the Insane, shall remain subject to the custody of the officers and other persons in



charge of such Asylum or other proper place to which such prisoner has been removed, or in which he is in custody by virtue of any like order, until the discharge of such prisoner is directed by the Lieutenant-Governor. 36 V. c. 31, s. 17; 40 V. c. 7, *Sched. A* (205).

**33.** Upon its appearing to the Lieutenant-Governor that any insane person confined as aforesaid in any Gaol, or in any Asylum for the Insane, has come or been brought to this Province from some other Province or country, within thirty days prior to his committal to such Gaol or Asylum, or any other Gaol or Asylum, it shall be lawful for the Lieutenant-Governor, by his warrant, to authorize the removal of such insane person back to the Province or country from whence he has come or been brought, as aforesaid. 36 V. c. 31, s. 29.

Lt.-Governor may in certain cases return an insane non-resident of Ontario to the country from whence he came.

**34.** The expenses of the inquiries directed by this Act to be made, and of conveying any insane person from any Gaol to an Asylum for the Insane, shall be paid by the County, City or separate Town in which such insane person has been apprehended; but if such insane person had not prior to his being apprehended resided in such County, City or separate Town for the period of one year, but had resided for that period in some other County, City or separate Town in this Province, then such expenses may be recovered back by the County, City or separate Town in which such insane person was apprehended from the County, City or separate Town in which such insane person had last resided for the period of a year; or if such insane person, although he had resided for the period of one year in the County, City or separate Town in which he was apprehended, had since such residence for one year therein been resident for the period of one year in some other County, City or separate Town in this Province, then in like manner such expenses may be recovered by the County, City or separate Town in which such insane person was apprehended from the County, City, or separate Town in which such insane person last resided for the period of one year. 36 V. c. 31, s. 30.

Expenses of inquiries, and conveyance to asylum, how to be borne.

**35.** Persons confined by virtue of this Act may be discharged by the Lieutenant-Governor or by the Medical Superintendent, under such regulations as may by the Lieutenant-Governor in Council be made in that behalf. 36 V. c. 31, s. 21.

Discharge by Lt.-Governor or medical superintendent.

### *Escape and Recommittal.*

**36.** In case any inmate of an Asylum for the Insane escapes therefrom, it shall be lawful for any of the officers or servants of the Asylum, or for any other person or persons, at the request of such officers or servants, or any of them, within forty-eight hours after such escape where no warrant has been issued, and within one month after such escape where a warrant (Form I.) has been issued by the Medical Superintendent in

Apprehension on escape from asylum.

that behalf, to retake such escaped person, and to return him to the Asylum from whence he escaped, and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. 36 V. c. 31, s. 22.

Medical superintendent of asylum may give over patient to custody of his friends.

**37.** In case the Medical Superintendent of any Asylum considers it conducive to the recovery of any of the persons confined in such Asylum that any such person should be committed for a time to the custody of his friends, such Medical Superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. 36 V. c. 31, s. 18.

Cases of imprisonment for offences excepted.

**38.** Nothing in the preceding section contained shall be construed to authorize the temporary discharge of any person who has been imprisoned for an offence, and the period of whose sentence has not expired. 36 V. c. 31, s. 19.

Recommittal to asylum from custody of friends.

**39.** In case, within six months from such temporary discharge on trial, such insane person again becomes dangerous to be at large, it shall be lawful for the Medical Superintendent by whom such insane person was so discharged, by his warrant (Form K) directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such insane person be apprehended and brought back to the Asylum from which he was temporarily discharged, and such warrant shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said Asylum. 36 V. c. 31, s. 20.

### *Maintenance of Lunatics.*

Copy of certificate of admission, and of amounts required for maintenance, to be sent to parents, etc.

**40.** Where any lunatic sent to any Asylum is under the age of twenty-one years, and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the Bursar and Medical Superintendent to send a copy of the certificate mentioned in sections eight to ten or of the order of the Lieutenant-Governor (as the case may be), attested under their hands, to the father or mother, guardian or committee (as the case may be), of such lunatic, to which copy the said Medical Superintendent and Bursar shall subscribe a certificate of the admission of such lunatic, and of the amount which will become due for him, each quarter, to the Asylum, by the regulations of the Asylum made in that behalf. 34 V. c. 18, s. 9.

Liability to pay for maintenance of lunatic.

**41.** It shall be lawful for the Bursar, conjointly with the Medical Superintendent, on the first day of each of the months of January, April, July and October, and during the time the lunatic remains in the Asylum, to demand from the father

or mother, guardian or committee (as the case may be), of the lunatic, such sum as may be due for the lunatic to the Asylum, which sum shall be forthwith paid on such demand. 34 V. c. 18, s. 10.

**42.** On the first of the said quarter days after the admission of the lunatic, such demand shall be for a sum proportionate to the broken period elapsed since the admission of the lunatic, and on the discharge of the lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day. 34 V. c. 18, s. 11.

Proportion for broken periods of a quarter.

**43.** In case of refusal or neglect to pay the same, the said Bursar may apply to the County Judge of the County in which such father or mother, guardian or committee, resides, upon affidavit, and if the said Judge, on the return of a rule, which he shall make upon the proper party, to show cause, is satisfied that the father or mother of the lunatic is able to pay for his maintenance as aforesaid, or that such guardian or committee is able to pay for the same out of property in his possession belonging to such lunatic, the said Bursar shall be entitled to an order for the payment of the amount then due and the costs, and a writ of execution may issue thereon in like manner as upon a judgment of the said Court for such amount. 34 V. c. 18, s. 12.

Order for payment for maintenance.

**44.** The said Judge, after hearing the parties and their witnesses under oath, either orally or in writing by affidavit, may make the order herein referred to, or if he thinks fit, may direct an issue to be made up and tried before a jury previous to making such order. 34 V. c. 18, s. 13.

Judge may make an order for maintenance or direct an issue.

**45.** Any person who is confined in any Asylum for the Insane, and who has at the time that he is placed in confinement, or who subsequently thereto, comes into the possession of property, shall be liable for his maintenance while in such Asylum; and any person whose wife is confined in any Asylum for the Insane shall be liable for her maintenance while confined therein; and the Inspector of Prisons and Public Charities may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be the duty of such Inspector to enforce payment in accordance with such liability, unless upon inquiry, regard being had to the claims of persons having a moral or legal right to maintenance out of the estate of such insane person, the Inspector considers that the claim for maintenance ought to be collected. 36 V. c. 31, s. 23; 39 V. c. 8, s. 4.

Maintenance, liability for.

Maintenance of married woman, liability of husband.

**46.** If any lunatic, upon or at any time after his admission into any Asylum, possesses or becomes possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the Asylum or any part thereof can be paid, and has no guardian or committee lawfully appointed

When property of a lunatic may be taken possession of to pay for maintenance.

to take the care or management of the same for the benefit of the lunatic, then if any sum due for the maintenance of the lunatic in the Asylum is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the Inspector of Prisons and Public Charities, is more than sufficient or is not required to maintain the family (if any) of such lunatic, the Inspector may take possession of such property, or so much thereof as he thinks necessary to pay or to secure the payment of the sum due or to become due for the support and maintenance of the lunatic in the Asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of such lunatic, or as his committee under this Act, as fully and effectually to all intents and purposes as such lunatic could or might if of full age and of sound and disposing mind; and notwithstanding the lunatic may have ceased to be an inmate of the Asylum, or may have recovered or died, the Inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while such lunatic was confined in the Asylum; but no such lease, mortgage, sale or conveyance, shall take place without the concurrence of the Attorney-General of Ontario. 34 V. c. 18, s. 14; 39 V. c. 8, s. 4; 40 V. c. 7, *Sched. A* (206).

Conveyances of insane persons void as against Inspector, unless for value or without notice.

**47.** Any gift, grant, alienation, conveyance or transfer of any real or personal property made by any person, after having been insane, shall be held to be fraudulent and void, as against the Inspector of Prisons and Public Charities, unless the same is made for full and valuable consideration actually paid, or sufficiently secured to such person, or unless the purchaser had no notice of the insanity. 36 V. c. 31, s. 24; 39 V. c. 8, s. 4.

Inspector may deal with property, though nothing due for maintenance.

**48.** If such Inspector considers it necessary, in order to secure the payment of the maintenance of such lunatic, or for the interest of the estate of the said lunatic so to do, he may exercise his powers in the forty-sixth section given, or any of them, although no sum is overdue for such maintenance. 34 V. c. 18, s. 16.

Lunatics of which the Inspector is the committee.

**49.** The Inspector of Prisons and Public Charities shall *ex officio*, and by his name of office, be the committee of every lunatic who has no other committee, and who is detained in any public Asylum referred to in the second, third and fourth sections of this Act, and whether such lunatic is detained under an order from the Lieutenant-Governor or otherwise; and the said Inspector and his successors in office, in manner aforesaid, shall be the committees of any lunatic in the Rockwood Asylum at Kingston, who has no committee, and who is detained under an order from the Lieutenant-Governor.



2. The Court of Chancery may at any time appoint a committee of any such lunatic if such Court considers it expedient so to do, and upon such committee being appointed the said Inspector shall, while such other committee exercises such office, cease to be the committee of the said lunatic, but the said Inspector upon delivering up the said lunatic's estate shall retain so much thereof as may be required to pay any sums then due for maintenance. 34 V. c. 18, s. 15; 37 V. c. 14, s. 1; 39 V. c. 8, s. 4.

Court of Chancery may appoint another committee.

**50.** Notwithstanding another committee may have been appointed by the Court of Chancery, every act of the Inspector of Prisons and Public Charities, as the committee of any lunatic or other insane person, shall be valid and binding upon the estate of such lunatic or other insane person, if done previously to a copy of the order appointing another committee, together with a notice of the persons who have been approved by such Court, as the sureties of such committee, being served upon the said Inspector. 36 V. c. 31, s. 25; 39 V. c. 8, s. 4.

When acts of the Inspector valid as against the committee in Chancery.

**51.** In case at the time of the death of any insane person the Inspector of Prisons and Public Charities is the committee of such insane person, the said Inspector shall, until probate of the will or letters of administration of the estate of such insane person is granted to some other person or persons, and such grant notified to the Inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office aforesaid the same powers in respect of the real and personal estate of the deceased as an executor and devisee would have in respect of the estate of his testator, in case the same were bequeathed and devised to him in trust for the payment of debts and the distribution of the residue. 36 V. c. 31, s. 26; 39 V. c. 8, s. 4.

Powers of Inspector as to estate of deceased in case he is the committee at time of death.

**52.** Before any sale and conveyance of any real property of such lunatic, the Inspector shall report the case, with the terms of the proposed sale, to the County Judge of the County within which the property is situate for his approval, and such sale and conveyance, so approved, shall be valid and binding upon the lunatic and his heirs. 34 V. c. 18, s. 17.

Real property, how to be sold.

**53.** The Inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the lunatic, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct. 34 V. c. 18, s. 18.

Inspector to render account.

**54.** In all cases mentioned in the eight preceding sections, if doubt or opposition arises as to the right of property, it shall be lawful for the Inspector or the person claiming the

Disputes as to property, how settled.

property to apply to the County Judge of the County in which such property is, to cause an inquisition to be held before such County Judge, and to try and determine, either by himself, or by a jury when required by either party but not otherwise, the right of property, which such Judge shall accordingly do. 34 V. c. 18, s. 19.

Moneys in Court of Chancery may be paid to Inspector for maintenance.

**55.** The Court of Chancery shall, upon any application made therefor by the Inspector, direct to be paid to such Inspector from time to time, out of any funds or moneys in such Court belonging to such lunatic, the amount payable in respect to charges for maintenance of such lunatic. 34 V. c. 18, s. 20.

Inspector may make special order as to comfort of lunatic.

**56.** In case the insanity of any lunatic confined in any of such Asylums is of such a nature, and he is possessed of such property, real or personal, as would in the opinion of the Medical Superintendent justify the supply to such lunatic of greater comfort and attention than are supplied under the ordinary regulations of the Asylum, it shall be lawful for the Inspector to make any specific regulation in respect thereto as he may deem fitting. 34 V. c. 18, s. 22.

## SCHEDULE No. 1.

### FORM "A."

(Section 8.)

#### CERTIFICATE OF MEDICAL PRACTITIONER IN ORDINARY CASES.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, &c.*), a legally qualified medical practitioner, residing and practising at , in the County of , hereby certify that I, on the day of , A. D. 18 , at , in the County of , separately from any other medical practitioner, personally examined *A. B.*, of (*insert residence and profession or occupation, if any*), and after making due enquiry into all facts in connection with the case of the said *A. B.*, necessary to be enquired into in order to enable me to form a satisfactory opinion, I certify that the said *A. B.* is insane, and is a proper person to be confined in an Asylum for the Insane (and that the said *A. B.* is an idiot, *if such be the fact*), and that I have formed this opinion upon the following grounds, namely:—

1. Facts indicating insanity observed by myself (*here state the facts*).
2. Other facts (*if any*) indicating insanity, communicated to me by others (*here state the information, and from whom received*).

Signed this day of , A. D. 18 , at , in the County of

Signed in presence of  
     F. G.  
     H. K.

36 V. c. 31, Form K.

## FORM "B."

(Section 13.)

## WARRANT FOR APPREHENSION OF DANGEROUS LUNATIC.

Province of Ontario, }  
 County of }

To all or any of the Constables or other Peace Officers in the said County of

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of , that *A. B.* is insane, and dangerous to be at large :

These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.*, and bring him before me (*or us*), or some one or more of Her Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said *A. B.*, and that he may be further dealt with according to law.

Given under my (*or our*) hand and seal this            day of            , in the  
 year of our Lord            , at            , in the  
 County of

[L. S.]

36 V. c. 31, Form A.

## FORM "C."

(Section 14.)

## WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING ENQUIRY.

Province of Ontario, }  
 County of }

To all or any of the Constables or Peace Officers in the County of ,  
 and to the keeper of the Common Gaol (or Lock-up House) at .

Whereas on the            day of            last past, information upon oath was laid before me (*or us*)            , one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of , that *A. B.* is insane, and dangerous to be at large : And whereas the hearing of the same is adjourned to the            day of            , at            o'clock in the (*fore*) noon, at            , and it is necessary that the said *A. B.* should in the meantime be kept in safe custody :

These are therefore to command you or any of you, the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said *A. B.* to the Common Gaol (or Lock-up House) at            , and there deliver him to the custody of the keeper thereof, together with this precept : And I hereby require you the said keeper to receive the said *A. B.* into your custody in the said Common Gaol (or Lock-up House), and there safely keep him until the            day of            (instant), when you are hereby required to convey and have him the said *A. B.*, at the time and place to which the said hearing is so adjourned as aforesaid, before such

Justice or Justices of the Peace for the said County as may then be there, to make further inquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or our as the case may be*) hand and seal this day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, in the County aforesaid.

[L. S.]

36 V. c. 31, Form B.

## FORM "D."

(Section 17.)

## FINAL WARRANT OF COMMITTAL.

Province of Ontario, }  
County of }

To all or any of the Constables or other Peace Officers in the County of \_\_\_\_\_, and to the keeper of the Common Gaol of the County of \_\_\_\_\_, at \_\_\_\_\_, in the County aforesaid.

Whereas information was laid before me (*or us*), one (*or as the case may be*) of Her Majesty's Justices of the Peace for the said County of \_\_\_\_\_, on the oath of \_\_\_\_\_, that *A. B.* was insane and dangerous to be at large : And whereas inquiry has been made by me (*or us*) respecting the sanity of the said *A. B.* : And whereas I (*or we*) have found and adjudged the said *A. B.* to be insane and dangerous to be at large :

These are therefore to command you, the said Constables or other Peace Officers, or any of you, to take the said *A. B.* and him safely convey to the Common Gaol at \_\_\_\_\_ aforesaid, and there deliver him to the keeper thereof, together with this precept ; and I do hereby command you, the keeper of the said Common Gaol, to receive the said *A. B.* into your custody in the said Common Gaol, and there safely keep him until the pleasure of the Lieutenant-Governor be known, or until he be discharged by law.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord 18 \_\_\_\_\_, at \_\_\_\_\_, in the County aforesaid.

[L. S.]

36 V. c. 31, Form C.

## FORM "E."

(Section 29.)

## CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS NOT FIT FOR AN ASYLUM.

Province of Ontario, }  
County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of \_\_\_\_\_ (*or, we E. F. and G. H., Esquires, two of Her Majesty's*



4. The condition of the house, and every death, injury and act of violence which has happened to or affected any patient since the then last preceding report, according to the form in Schedule J, and every such physician who omits to enter or sign such report, shall for every such omission forfeit and pay the sum of eighty dollars. C. S. C. c. 73, s. 60.

Under  
penalty.

[The original section (60) adds:—

And every such physician who in any such report enters anything untruly shall be guilty of a misdemeanor. 14, 15 V. c. 84, s. 35.]

**56.** There shall be kept in every licensed house, a book to be called "The Case Book," in which the physician keeping or residing in or visiting such house, shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and the Visitors within whose jurisdiction any licensed house is situate, may, whenever they see fit, by an order in writing, require the physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in the Case Book kept under the provisions of this Act relative to the case of any lunatic who is or has been confined in such house, and every physician who neglects to keep the said Case Book, or to enter therein the particulars of each patient's case, or to transmit a copy of any entry therein pursuant to any such order, shall for every such neglect forfeit a sum not exceeding forty dollars. C. S. C. c. 73, s. 61.

A book to be  
kept called  
"The Case  
Book."  
Entries.

Penalty.

### *Inspection by Visitors.*

**57.** Every licensed house within the jurisdiction of any Visitors appointed under this Act, shall be visited by two at least of the said Visitors (one of whom shall be a physician), four times at the least in every year, on such days and at such hours in the day, and for such length of time as the Justices by whom the house has been licensed direct. C. S. C. c. 73, s. 62.

Visitors to  
visit licensed  
houses.

**58.** The Visitors, when visiting any such house, shall inspect every part of the house, and every house, out-house, place and building communicating therewith, or detached therefrom but not separated by ground belonging to any other person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then confined therein, and shall enquire whether any patient is under restraint, and why, and shall inspect the order and certificates or certificate for the reception of every patient who has been received into such house since the last visit of the Visitors, and shall enter in the Visitors' Book a minute:

Duties of, in  
making visits.

1. Of the then condition of the house, and of the patients therein ;

2. The number of patients under restraint, with the reasons thereof as stated ;

3. Such irregularity (if any) as exists in any such order or certificate ;

4. Whether the previous suggestions (if any) of the Visitors, have or have not been attended to ; and

5. Any observations which they deem proper as to any of the matters aforesaid, or otherwise. C. S. C. c. 73, s. 63.

Duties of proprietor or superintendent towards the visitors.

**59.** The proprietor or Superintendent of every licensed house shall show to the Visitors visiting the same, every part thereof and every person detained therein as a lunatic. C. S. C. c. 73, s. 64.

*[The original section (64) adds :—*

Penalty for neglect or refusal.

And every proprietor or Superintendent of any licensed house who conceals or attempts to conceal from, or refuses or wilfully neglects to show to any such Visitors, or to any person authorized under any power or jurisdiction of this Act to visit and inspect such house, any part of the house, or any house, out-house, place or building communicating therewith, or detached therefrom but not separated as aforesaid, or any part of the ground or appurtenances held, used or occupied therewith, or any person detained or being therein, or the patients confined therein, or any of them, shall be guilty of a misdemeanor. 14, 15 V. c. 84, s. 38.]

Inquiries to be made by the visitors.

**60.** The Visitors upon their several visitations to a licensed house, shall inquire :

1. Where Divine Service is performed therein, to what number of the patients, and the effect thereof ;

2. What occupations or amusements are provided for the patients, and the result thereof ;

3. Whether there has been adopted any system of non-coercion, and if so, the result thereof ;

4. As to the classification of patients ;

5. And such other inquiries as to such Visitors seem expedient. C. S. C. c. 73, s. 65.

*[Section 66 of C. S. C. c. 73, is as follows :—*

Full information to be given.

**66.** Every proprietor or Superintendent of a licensed house who does not give full and true answers to the best of his knowledge to all questions which the Visitors ask in reference to the matters aforesaid, shall be guilty of a misdemeanor. 14, 15 V. c. 84, s. 39.]

**61.** Upon every visit of the Visitors to any licensed house, there shall be laid before such Visitors by the proprietor or Superintendent of the house : What information to be laid before the visitors.

1. A list of all the patients then in the house (distinguishing males from females, and specifying such as are deemed curable);

2. The several books by this Act required to be kept by the proprietor or Superintendent, and by the medical attendant of a licensed house ;

3. All orders and certificates relating to patients admitted since the visitation of the Visitors ;

4. The license then in force for such house

5. All such other orders, certificates, documents and papers relating to any of the patients at any time received into such house, as the Visitors from time to time require to be produced to them ; and the Visitors shall sign the said books as having been so produced. C. S. C. c. 73, s. 67.

**62.** There shall be hung up in some conspicuous part of every licensed house a copy of the plan given to the Justices on applying for the license for such house ; and there shall be kept in every such house a Queen's Printer's copy of this Act, bound in a book, to be called "The Visitors' Book," and the Visitors shall at the time of their visitations enter in such book the result of the inspections and inquiries hereinbefore directed or authorized to be made by them, with such observations (if any) as they think proper ; and there shall also be kept in every such house a book to be called "The Patients' Book," and the Visitors shall, at the times of their visitations, enter therein such observations as they think fit respecting the state of mind or body of any patient in such house. C. S. C. c. 73, s. 68. Information to be hung up in every licensed house. "The Visitors' Book." "The Patients' Book."

**63.** The proprietor or resident Superintendent of every licensed house shall, within three days after every visit by the Visitors, transmit to the Clerk of the Visitors a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book" and "The Medical Visitation Book" respectively, distinguishing the entries in the several books. C. S. C. c. 73, s. 69. Copies of Visitors' entries to be sent to the Clerk.

**64.** The copies so transmitted to the Clerk of the Visitors of all such entries, relating to any licensed house, and made since the grant or last renewal of the license thereof, shall be laid before the Justices, on taking into consideration the renewal of the license to the house to which such entries relate. C. S. C. c. 73, s. 70. And be by him laid before the Justices, &c.

Penalty on proprietor omitting.

**65.** Every proprietor or Superintendent who omits to transmit to the Clerk of the Visitors a true and perfect copy of every such entry, shall, for every omission, forfeit a sum not exceeding forty dollars. C. S. C. c. 73, s. 71.

Nocturnal visits.

**66.** Any two Visitors may visit and inspect any licensed house within their jurisdiction at such hour of the night as they think fit. C. S. C. c. 73, s. 72.

### *Discharge of Patients.*

Order for discharge.

**67.** In case the person who signed the order on which a patient has been received into a licensed house, by writing, under his hand, directs such patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. C. S. C. c. 73, s. 73.

If person who signed the order for admission becomes incapable, what to be done.

**68.** If the person who signed the order upon which a patient has been received into a licensed house is incapable by reason of insanity or absence from the Province, or otherwise, of giving an order for the discharge or removal of such patient, or if such person is dead, then, the husband or wife of such patient, or if there is no such husband or wife, the father of such patient, or if there is no father, the mother of such patient, or if there is no mother, then any one of the nearest of kin for the time being of such patient, or the person who made the last payment on account of such patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon such patient shall be forthwith discharged or removed accordingly. C. S. C. c. 73, s. 74.

What to be done if the physician in charge objects.

**69.** No patient shall be discharged or removed from any licensed house under any of the powers hereinbefore contained, if the physician by whom the same is kept, or who is the regular medical attendant thereof, by writing under his hand, certifies that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the Visitors of such house, after such certificate has been produced to them, give their consent, in writing, to the discharge or removal of such patient. C. S. C. c. 73, s. 75.

Transfer from one house to another or to an Asylum for the Insane.

**70.** Nothing herein contained shall prevent any patient from being transferred from one licensed house to another licensed house, or to an Asylum for the Insane, but in such case every such patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the licensed house to or from which he is about to be removed, and shall remain under such control until the removal has been duly effected. C. S. C. c. 73, s. 76.

Special visits by visitors and

**71.** Any two or more of the Visitors of any licensed house, of whom one shall be a physician, may make special visits to



any patient detained in such house, on such days and at such hours as they think fit, and if after two distinct and separate visits made by the same Visitors it appears to them that the patient is detained without sufficient cause, they may order his discharge and the patient shall be discharged accordingly. C. S. C. c. 73, s. 77.

when they may order discharge of patients.

**72.** Every order by Visitors for the discharge of a patient from a licensed house shall be signed by them, and they shall not order the discharge of a patient from any such house without having previously examined the medical attendant of the house if he tenders himself for that purpose as to his opinion respecting the fitness of the patient to be discharged. C. S. C. c. 73, s. 78.

To sign the orders, etc.

And examine medical attendant if required.

**73.** If the Visitors, after examining the medical attendant, discharge a patient, and the medical attendant furnishes them with a statement in writing, containing his reasons against the discharge of such patient, they shall forthwith transmit such statement to the Clerk of the Visitors, to be kept and registered in a book for that purpose. C. S. C. c. 73, s. 79.

If physician in charge objects, what to be done.

**74.** Not less than seven days shall intervene between the first and second of such special visits, and the Visitors shall seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in "The Patients' Book," to the proprietor or Superintendent of the licensed house in which the patient intended to be visited is detained, and such proprietor or Superintendent shall forthwith, if possible, transmit by post a copy of such notice to the person by whose authority such patient has been received into such house, or by whom the last payment on account of such patient was made and also to the Clerk of the Visitors of the house. C. S. C. c. 73, s. 80.

Time to intervene between special visits, etc.

**75.** None of the powers of discharge hereinbefore contained, shall extend to any lunatic confined under an order or authority of the Lieutenant-Governor, or under the order of any Court of criminal jurisdiction. C. S. C. c. 73, s. 81.

What lunatics the visitors cannot discharge.

### *Order for Information.*

**76.** If any person applies to a Visitor to be informed whether any particular person is confined in a licensed house within the jurisdiction of such Visitor, the Visitor, if he thinks it reasonable to permit such inquiry to be made, shall sign an order to the Clerk of the Visitors, and the Clerk shall, on receipt of such order, and on payment to him of a sum not exceeding twenty cents for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is, or, within the then last twelve months, has been confined in any licensed house within the jurisdiction of such

Information to be given to persons who apply respecting individuals detained as lunatics.

Visitor ; and if it appears that such person is or has been so confined, the Clerk shall deliver to the person applying a statement in writing, specifying :

1. The situation of the house in which the person so inquired after appears to be or to have been confined ;

2. The name of the proprietor or resident Superintendent thereof ;

3. The date of the admission of such person into such licensed house ; and

4. (In case of his having been removed or discharged) the date of his removal or discharge therefrom. C. S. C. c. 73, s. 82.

### *Orders for Admission.*

Admission of  
relatives, or-  
der for.

**77.** Any one of the Visitors of a licensed house may, at any time, give an order in writing under his hand for the admission to any patient confined in such house, of any relation or friend of such patient or of any medical or other person whom any relation or friend of the patient desires to be admitted to him. C. S. C. c. 73, s. 83.

Extent of such  
order.

**78.** Such order of admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either with or without restriction as to such admission or admissions being in the presence of a keeper or not, or otherwise. C. S. C. c. 73, s. 84.

Penalty for  
refusing ad-  
mission.

**79.** If the proprietor or Superintendent of any such house refuses admission to, or prevents or obstructs the admission to any patient, of any relation, friend or other person who produces such order of admission, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding eighty dollars. C. S. C. c. 73, s. 85.

### *Miscellaneous Provisions.*

On what au-  
thority pa-  
tients may be  
taken on excur-  
sions for be-  
nefit of health.

**80.** The proprietor or Superintendent of any licensed house, with the consent in writing of any two of the Visitors of such house, may send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health : but before such consent is given by any Visitors, the approval in writing of the person who signed the order for the reception of the patient, or by whom the last payment on account of such patient has been made, shall be produced to such Visitors, unless they, on cause shewn, dispense with the same. C. S. C. c. 73, s. 86.

**81.** In every case in which a patient under any of the powers or provisions of this Act, is removed temporarily from the licensed house into which the Order for his reception has been given, or is transferred from such house into any new house, and also in every case in which any patient has escaped from any such house and has been retaken within fourteen days next after such escape, the certificate or certificates relating to and the original order for the reception of such patient shall respectively remain in force, in the same manner as the same would have done if such patient had not been so removed or transferred, or had not so escaped and been retaken. C. S. C. c. 73, s. 87.

What temporary circumstances not to affect original certificates and order.

**82.** Every proprietor or Superintendent of a licensed house, who receives a proper order in pursuance of this Act, accompanied with the required medical certificates or certificate for the reception or taking care of any person as a lunatic, and the assistants and servants of such proprietor or Superintendent, may take charge of, receive and detain such patient until he dies or is removed or discharged by due authority; and in case of the escape of the patient, may retake him at any time within fourteen days after he escape, and again detain him as aforesaid. C. S. C. c. 73, s. 88.

Persons licensed authorized to receive and detain patients, &c.

**83.** The Visitors of any licensed house, or any two of such Visitors, may, from time to time, by summons under their hands and seals (according to the form in Schedule H, or as near thereto as the case permits), require any person to appear before them to testify, on oath, the truth touching any matters respecting which such Visitors are by this Act authorized to inquire (which oath they are hereby empowered to administer); and every person who does not appear before such Visitors pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the County, forfeit a sum not exceeding two hundred dollars for every such neglect or refusal. C. S. C. c. 73, s. 90.

Visitors may compel the attendance of witnesses.

Penalty for non-attendance, &c.

**84.** Any Visitors who summon a person to appear and give evidence as aforesaid, may direct the Clerk of such Visitors to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of the summons; the same to be considered as expenses incurred by the Visitors in the execution of this Act, and to be taken into account and paid accordingly. C. S. C. c. 73, s. 91.

Expenses of, how paid.

### *Prosecutions and Penalties.*

**85.** Every complaint or information of or for any offence against this Act, where any pecuniary penalty is imposed may be made before one Justice. C. S. C. c. 73, s. 92.

One Justice may receive complaints.

Powers of the  
Justice to hear

**86.** When any person is charged upon oath, before a Justice, for any offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in the summons, and if he does not appear then upon proof of due service of the summons (either personally or by leaving the same at his last or usual place of abode), any two Justices may either proceed to hear and determine the case, or may issue their warrant for apprehending such person and bringing him before any two Justices. C. S. C. c. 73, s. 93.

And decide the  
same.

**87.** Any two Justices upon the appearing of such person, pursuant to the summons, or upon such person being apprehended under a warrant, or upon the non-appearance of such person, shall hear the matter of every such complaint or information, and make such determination thereon as the Justices think proper. C. S. C. c. 73, s. 94.

Penalties may  
be reduced,  
and how  
levied.

**88.** Upon conviction of any person, such Justices may, if they think fit, reduce the amount of the penalty by this Act imposed for the offence, to any sum not less than one fourth of the amount thereof, and shall issue a warrant under their hands and seals for levying such penalty, or reduced penalty, and all costs and charges of the summons, warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person convicted. C. S. C. c. 73, s. 95.

Detention of  
defendant.

**89.** Such two Justices may order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the offender gives security by way of recognizance or otherwise to the satisfaction of such Justices, for his appearance before them on such day as they appoint for the return of the warrant of distress; such day not being more than seven days from the time of taking such security. C. S. C. c. 73, s. 96.

If no sufficient  
distress.

**90.** If, upon the return of the warrant of distress, it appears that no sufficient distress can be had whereupon to levy the penalty or reduced penalty, and the costs and charges, and if the same are not forthwith paid, or in case it appears to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender has not sufficient goods and chattels whereupon the penalty or reduced penalty, costs and charges can be levied, such Justices shall, by warrant under their hands and seals, commit the offender to the Common Gaol or House of Correction of the County, as the case may be, for any term not exceeding three months, unless such penalty or reduced penalty, costs and charges, are sooner paid. C. S. C. c. 73, s. 97.



**91.** All penalties and reduced penalties, when recovered shall be paid to the Clerk of the Peace for the County in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses granted by the Justices of such County; and the over-plus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained. C. S. C. c. 73, s. 98.

How penalties  
to be disposed  
of.

**92.** The Justices before whom any person is convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and no conviction under this Act shall be void through want of form:

Form of con-  
victions.

“Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ at \_\_\_\_\_, in the County of \_\_\_\_\_, A. B. was convicted before us, \_\_\_\_\_ of Her Majesty’s Justices of the Peace for the said County, for that he the said \_\_\_\_\_ did \_\_\_\_\_ and we the said \_\_\_\_\_ adjudge the said \_\_\_\_\_ for his said offence to pay the sum of \_\_\_\_\_.”

C. S. C. c. 73, s. 99.

**93.** Any person who thinks himself aggrieved by the order Appeals. or determination of any Justices under this Act, may, within four months after such order made or given, appeal to the Justices at General Sessions; the person appealing having first given at least fourteen clear days’ notice in writing of the appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some Justice, with two sufficient sureties, conditioned to try such appeal and to abide the order and award of the said Court thereupon. C. S. C. c. 73, s. 100.

**94.** The Justices at General Sessions, upon the proof of such notice and recognizance having been given and entered into, shall, in a summary way, hear and determine the appeal, or if they think proper, may adjourn the hearing thereof until the next General Sessions, and if they see cause, may mitigate any penalty to not less than one-fourth of the amount imposed by this Act, and may order any money to be returned which has been levied in pursuance of the order or determination appealed against, and may also award such further satisfaction to the party injured, or such costs to either of the parties as they judge reasonable and proper; and all such determinations of the said Justices at General Sessions shall be final, and conclusive upon all parties to all intents and purposes whatsoever. C. S. C. c. 73, s. 101.

Justices in  
General Ses-  
sions to hear.

**95.** If any action or suit is brought against any person for anything done in pursuance of this Act, the same shall be Limitation of actions.

commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the County where the cause of action arose, and not elsewhere. C. S. C. c. 73, s. 102.

Defendants  
may plead  
general issue,  
&c.

**96.** The defendant in every such action or suit may, at his election, plead specially or plead the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same appears to have been so done, or if it appears that such action or suit has been brought in any other County than where the cause of action arose, or was not commenced within the time hereinbefore limited for bringing the same, then the Judge or jury (as the case may be) shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff is non-suited or discontinues his action or suit after the defendant has appeared, or if upon demurrer judgment is given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant has in other cases by law. C. S. C. c. 73, s. 103.

Defence in case  
of prosecution.

**97.** In every writ, action and other proceeding preferred or brought against any proprietor or Superintendent, or against assistant or servant of any proprietor or Superintendent, for taking, confining, detaining or retaking any person as a lunatic, the party complained of may plead in defence the order and certificates or certificate hereinbefore mentioned, and such order and certificates or certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking the lunatic or alleged lunatic. C. S. C. c. 73, s. 89.

When Clerk  
of Visitors to  
prosecute.

**98.** The Clerk of any Visitors may, on their order, prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such Visitors, and may sue for and recover any penalty to which any person within jurisdiction of the Visitors is made liable by this Act. C. S. C. c. 73, s. 104.

How penalties  
recovered by  
him to be dis-  
posed of.

**99.** All penalties sued for and recovered by any such Clerk shall be paid to him, and shall be by him paid to the Clerk of the Peace for the County, and the Clerk of the Peace shall apply and account for the same as hereinbefore enacted with respect to moneys received for licenses by Clerks of the Peace. C. S. C. c. 73, s. 105.

Order of Visi-  
tors necessary  
to authorize  
suits for  
penalties or  
prosecutions  
for offences.  
Except, &c.

**100.** No one shall prosecute any person for any offence against the provisions of this Act, or sue for any penalty to which any person is made liable by this Act, except by order of Visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty has been incurred, or with the consent of Her Majesty's Attorney General for Ontario. C. S. C. c. 73, s. 106.

**101.** In case any person is proceeded against for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person proves by the testimony of one person upon oath, that the copy, list, notice, statement, or other document in respect of which such proceeding has been taken, was put into the proper post office in due time or (in case of documents required to be transmitted to a Clerk of the Peace), left at the office of such Clerk of the Peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission. C. S. C. c. 73, s. 107.

What to be sufficient proof of compliance with certain regulations in case of prosecution.

**102.** The costs, charges and expenses incurred by or under the order of any Visitors, shall be paid by the Clerk of the Peace for the County, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. C. S. C. c. 73, s. 108.

Costs under orders, &c., of visitors provided for.

**103.** Nothing in this Act contained shall extend to the Asylum for the Insane at Toronto, or to the Asylums referred to in the second, third and fourth sections of *The Act respecting Lunatic Asylums and the Custody of Insane Persons*. C. S. C. c. 73, s. 110.

Application of Act.  
Rev. Stat. c. 220.

## SCHEDULE "A."

(Section 22.)

### FORM OF LICENSE.

KNOW ALL MEN that we, the undersigned Justices of the Peace, acting in and for the \_\_\_\_\_ in General Sessions of \_\_\_\_\_ assembled, do hereby certify that A. B., of \_\_\_\_\_ in \_\_\_\_\_ has delivered to the Clerk of the Peace for the said \_\_\_\_\_ a plan and description of a house and premises proposed to be licensed for the reception of lunatics, situate at \_\_\_\_\_ in the County of \_\_\_\_\_ (or, in the case of a renewed license), has delivered to the Clerk of the Peace for the said \_\_\_\_\_ a list of the number of patients now detained in a house and premises licensed on the \_\_\_\_\_ day of \_\_\_\_\_ last, for the reception of lunatics, situated at \_\_\_\_\_ in the County of \_\_\_\_\_ ) and we having considered and approved the same, do authorize and empower the said A. B. (he intending [or not intending] to reside therein) to use and employ the said house and premises for





Dated this                      day of                      , one thousand eight hundred  
and                      (Signed,)                      Name.

To

Proprietor (or, Superintendent) of  
(Describing house by situation and name, if any.)

C. S. C. c. 73, *Sched. B.*

### SCHEDULE "C."

(Section 40.)

## FORM OF MEDICAL CERTIFICATE.

I, \_\_\_\_\_, being a physician duly authorized to practise as such, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined A. B., the person named in the accompanying statement and order, and that the said A. B. is a lunatic, (or an insane person, or an idiot, or a person of unsound mind,) and a proper person to be confined, and that I have formed this opinion from the following fact (or facts,) viz. :

(Signed,) *Name.*

*Place of abode.*

Dated this                      day of                      , one thousand eight hundred  
and                      C. S. C. c. 73, *Sched. C.*

## SCHEDULE "D."

(Section 46.)

## REGISTRY OF ADMISSIONS—REGISTER OF PATIENTS.

Date of last previous Admission (if any).	No. in order of Admission.	Date of Admission.	(Christian and Surname at length.	M.	F.	Sex.	Age.	Condition as to Marriage.	Married.	Single.	Widowed.	(Condition of life and previous occupation (if any).	Previous place of abode.	By whose authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed cause of Insanity.	Epileptics.	Congenital Idiots.	Years.	Months.	Weeks.	Duration of existing attacks.	Number of previous attacks.	Age on first attack.	Date of Discharge, or Death or Removal.	Recovered.	Relieved.	Not Improved.	Discharged.	Removed.	Died.	Observations.
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C. S. C. 73, Sched. D.

C. S. C. c. 73, *Sched. E.*





Justices of the Peace for the County of \_\_\_\_\_, who have been requested by C. D., Esquire, Judge of the County Court of the said County, to act in his stead in this matter) do hereby certify that I (or we) have, on this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, personally examined A. B., an inmate of the Gaol the said County of \_\_\_\_\_, and I (or we) do hereby further certify that I am (or we are) satisfied that the said A. B. is not insane (or that the said A. B., though insane, is not dangerous to be at large); and is not in my (or our) opinion a fit person to be confined in an Asylum for the Insane.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_, in the County of \_\_\_\_\_.

36 V. c. 31, Form D.

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FORM "F."

(Section 29.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS NOT FIT FOR AN ASYLUM.

I, the undersigned C. D. (here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M.D. of the University of Toronto, &c.), a legally qualified medical practitioner, residing and practising at \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby certify that I, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_, in the County of \_\_\_\_\_, separately from any other medical practitioner, personally examined A. B., an inmate of the Common Gaol of the County of \_\_\_\_\_, and I further certify that I am satisfied that the said A. B. is not insane (or that the said A. B., though insane, is not dangerous to be at large), and is not in my opinion a fit person to be confined in an Asylum for the Insane.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_, in the County of \_\_\_\_\_.

36 V. c. 21, Form E.

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FORM "G."

(Section 30.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS INSANE.

I, the undersigned C. D. (here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M.D. of the University of Toronto, &c.), a legally qualified medical practitioner, residing and practising at \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby certify that I, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_, in the County of \_\_\_\_\_, separately from any other medical practitioner, personally examined A. B., an inmate of the Common Gaol of the County of \_\_\_\_\_, and I further certify that the said A. B. is insane, and is a proper person to be confined in an Asylum for the Insane; and that I have formed this opinion upon the following grounds, namely: (here state the facts upon which the certificate is based.)

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_, in the County of \_\_\_\_\_.

36 V. c. 31, Form G.

## FORM "H."

(Section 30.)

## CERTIFICATE OF JUDGE OR JUSTICES WHEN PRISONER IS INSANE.

Province of Ontario, }  
 County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of  
 (*or we E. F. and G. H.*, Esquires, two of Her Majesty's  
 Justices of the Peace for the County of , who have been re-  
 quested by *C. D.*, Esquire, Judge of the County Court of the said County,  
 to act in his stead in this matter), do hereby certify that I (*or we*) have  
 on this day of , A.D. 18 , personally examined *A. B.*,  
 an inmate of the Gaol for the said County of , and I (*or we*)  
 do hereby further certify that from such personal examination, and from  
 the evidence adduced thereon, I (*or we*) am (*or are*) of opinion that the  
 said *A. B.* is insane, and that the said *A. B.* is a proper person to be con-  
 fined in an Asylum for the Insane.

Signed this day of , A.D. 18 , at , in the  
 County of .

36 V. c. 31, Form F; 40 V. c. 7, *Sched. A* (207).

## FORM "I."

(Section 36.)

## WARRANT TO RETAKE ESCAPED PATIENT.

Asylum for the Insane at .

To , and all or any of the Constables  
 or Peace Officers in the County of .

Whereas on the day of last past, being within  
 one month from this date, *A. B.*, an insane person confined in the  
 Asylum for the Insane at , of which I (*name*) am Medical Superin-  
 tendent, did escape from the said Asylum :

These are therefore to command you or any of you the said Constables  
 or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and  
 safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this day of  
 in the year of our Lord , at , in the County aforesaid.

[L. S.]

36 V. c. 31, Form I.

## FORM "K."

(Section 39.)

## WARRANT TO RETAKE PROBATIONARY PATIENT.

Asylum for the Insane at \_\_\_\_\_,

To \_\_\_\_\_, and all or any of the Constables  
or Peace Officers in the County of \_\_\_\_\_.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ last past, being within six months of this date, *A. B.*, an insane person confined in the Asylum for the Insane at \_\_\_\_\_, was allowed by me, *C. D.*, the Medical Superintendent of the said Asylum, to return on trial to the care of his friends; and whereas it appears to me, from information received by me, that the said *A. B.* has again become dangerous:

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, in the County aforesaid.

[L. S.]

36 V. c. 31, Form H.

## SCHEDULE No. 2.

## INFORMATION TO BE ELICITED UPON INQUIRY.

(Sections 19 and 20.)

1. The names in full and age of prisoner.
2. Occupation, religion and country.
3. Whether married or single; and if single, whether such person has ever been married.
4. How many children, if any.
5. Address of parents or nearest relatives; and in case of such relatives how connected.
6. How long prisoner has been insane.
7. Duration of the present attack, and whether the first.
8. How the insanity first showed itself, and the supposed causes.
9. Whether any delusions, and if so, what they are.
10. Whether the prisoner is suicidal or dangerous to others.
11. Whether any offence has ever been committed by the prisoner, and whether the prisoner has been convicted of the same, with all particulars.
12. Whether the prisoner is subject to epilepsy or paralysis.
13. Whether any of the other members of the prisoner's family have suffered in a similar way, and whether the prisoner has ever been in an Asylum, and if so, when and where.
14. What have been the habits of the prisoner as to temperance, industry and general conduct, and in what manner they have changed—whether such change has been recent, gradual or sudden.
15. Whether the prisoner has been subject to any bodily ailments, and if so, their nature.
16. Degree of education of prisoner, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case.
17. Whether prisoner is idiotic, imbecile or incurable.
18. Whether the friends of the prisoner, or any of them, if such there be, are able to contribute to the maintenance of the prisoner while in an Asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
19. The information required by section nineteen of this Act.

36 V. c. 31, Sched. 2.

## CHAPTER 221.

## An Act respecting Private Lunatic Asylums.

Interpretation, s. 1.  
 Licenses for private Asylums, s. 2.  
 Visitors—  
   Appointment and oath of, ss. 3-5.  
   Clerk and his duties, ss. 6-13.  
   Disqualification and prohibitions,  
     ss. 14-17.  
 Licenses—  
   How obtained, ss. 18-28.  
   Renewal of Licenses, s. 29.  
   Fees for, ss. 30-33.  
   Transfers and removals, 34-36.  
   Revocation of licenses, ss. 37-39.  
   Admission of patients, 40-48.  
   Procedure in case of escape, s. 49.  
   In case of removal, etc., s. 50.  
   In case of death in the Asylum,  
     s. 51.

In case of maltreatment, C.S.C. c.  
   73, s. 56.  
 Remedies in case of illegal con-  
   finement, s. 52.  
 Medical attendance, ss. 53-56.  
 Inspection by Visitors, ss. 57-66.  
 Discharge of patients, ss. 67-75.  
 Information to be given on in-  
   quiry, s. 76.  
 Orders for admission of friends,  
   ss. 77-79.  
 Miscellaneous provisions, ss. 80-84.  
 Prosecutions and penalties, ss. 85-  
   92.  
 Appeals, ss. 93, 94.  
 Civil Actions, ss. 95-97.  
 Prosecutions by Visitors, ss. 98-102.  
 Application of Act, s. 103.

**H**ER MAJESTY, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario,  
 enacts as follows:—

Interpreta-  
 tion.

§ 1. In this Act and the Schedules thereto the words and ex-  
 pressions following shall have the several meanings hereby as-  
 signed to them, unless there is something in the subject or con-  
 text repugnant to such construction, that is to say:

- “County.” (1) “County,” shall mean a County or Union of Counties, or  
 a City or Town having a separate Commission of the Peace;
- “Lunatic.” (2) “Lunatic,” shall mean every insane person, and every  
 person being an idiot or lunatic, or of unsound mind;
- “Patient.” (3) “Patient,” shall mean every person received or detained  
 as a lunatic, or taken care or charge of as a lunatic;
- “Proprietor.” (4) “Proprietor,” shall mean every person to whom any license  
 is granted under the provisions of this Act, and every per-  
 son keeping, owning, or having any interest or exercising any  
 duties or powers of a proprietor in any licensed house;
- “Clerk of the Peace.” (5) “Clerk of the Peace,” shall mean every Clerk of the Peace  
 and person acting as such, and every Deputy duly appointed;



(6) "Justice," shall mean a Justice of the Peace;

"Justice."

(7) "Medical Attendant," shall mean every physician who keeps any licensed house, or in his medical capacity attends any licensed house;

"Medical Attendant,"

(8) "Physician," shall mean every person of the male sex authorised to practise medicine, surgery or midwifery in this Province.

"Physician."

(9) "Licensed house," shall mean a house licensed under the provisions of this Act. C. S. C. c. 73, s. 109.

"Licensed House."

2. The Justices assigned to keep the Peace in any County, assembled in General Sessions, may (if and when they think fit) grant a license to any person to keep a house for the reception of lunatics, or of any sex or class of lunatics within such County. C. S. C. c. 73, s. 1.

Private Asylums may be licensed and by whom.

### *Visitors.*

3. The Justices shall at the first General Sessions in every year, after they have granted any such license or licenses, and while one or more of those granted by them remain in force, appoint three or more Justices, and also one physician or more, to act as Visitors of every house licensed for the reception of lunatics within such County. C. S. C. c. 73, s. 2.

Visitors.

4. Such Visitor shall at their first meeting take an oath, to be administered by a Justice of the Peace, to the following effect:

Oath of.

"I, A. B., do swear that I will discreetly, impartially, and faithfully execute all the trusts and powers committed unto me by virtue of the two hundred and twenty-first chapter of The Revised Statutes of Ontario, intituled, '*An Act respecting Private Lunatic Asylums*;' and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

C. S. C. c. 73, s. 3.

5. In case of the death, inability, disqualification, resignation, or refusal to act, of any Visitor, the Justices of the County, at any General Sessions, shall appoint a Visitor in his room. C. S. C. c. 73, s. 4.

Vacancies how filled.

6. The Clerk of the Peace for the County for which the Visitors are respectively appointed, shall within fourteen days from the date of their respective appointments, publish a list of the names, places of abode, and occupations or professions of the Visitors in some newspaper commonly circulated within the same County, and shall within three days from the date of their respective appointments send such list to the Lieutenant-Governor. C. S. U. C. c. 73, s. 5.

Names of Visitors to be published by Clerk of the Peace.

Penalty for default.

7. Every Clerk of the Peace making default in either of the respects aforesaid shall, for every such default, forfeit a sum not exceeding ten dollars. C. S. C. c. 73, s. 6.

Clerk of the Peace, &c., to be Visitors' Clerk.

8. The Clerk of the Peace or some other person to be appointed by the Justices for the County in General Sessions, shall act as Clerk to the Visitors so appointed, and such Clerk shall summon the Visitors to meet at such time and place, for the purpose of executing the duties of this Act, as the Justices in General Sessions appoint. C. S. C. c. 73, s. 7.

Visitors' meetings to be private.

9. Every such appointment, summons and meeting shall be made and held as privately as may be, and in such manner that no proprietor, Superintendent or person interested, in or employed about or connected with any house to be visited, has notice of such intended visitation. C. S. C. c. 73, s. 8.

Oath of Clerk.

10. The Clerk to the Visitors shall, at their first meeting, take the following oath, to be administered by any one of the Visitors being a Justice, viz.:

"I, A. B., do swear that I will faithfully execute all the trusts and duties committed to my charge, as Clerk to the Visitors appointed for the County of \_\_\_\_\_, by virtue of the two hundred and twenty-first chapter of The Revised Statutes of Ontario, intituled, '*An Act respecting Private Lunatic Asylums*;' and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority: So help me God."

C. S. C. c. 73, s. 9.

Name and residence of Clerk to be published.

11. The Clerk of the Peace of the County shall, within fourteen days after the appointment of the Clerk to the Visitors, publish in some newspaper commonly circulated in such County the name, place of abode, occupation and profession of such Clerk (whether he is the Clerk of the Peace or any other person), and the Clerk of the Peace shall also within three days from the date of such appointment communicate the same to the Lieutenant-Governor. C. S. C. c. 73, s. 10.

Penalty for default.

2. Every Clerk of the Peace, making default in either of the respects aforesaid, shall for every default forfeit a sum not exceeding ten dollars. C. S. C. c. 73, s. 11.

Salary of Clerk of Visitors.

12. Every Clerk to the Visitors shall be allowed such salary or remuneration for his services (to be paid out of the moneys or funds hereinafter mentioned) as the Justices of the County in General Sessions direct. C. S. C. c. 73, s. 11.

Assistant Clerk.

13. If the Clerk of the Visitors, at any time, desires to employ an Assistant in the execution of the duties of his office, he shall certify such desire, and the name of the proposed Assistant to one of the Visitors, being a Justice; and if such Visitor approves thereof, he shall administer the following oath to such Assistant:

"I, A. B., do solemnly swear that I will faithfully keep secret all such Oath of matters and things as come to my knowledge in consequence of my employment as Assistant to the Clerk of the Visitors, appointed for the County of \_\_\_\_\_ by virtue of the two hundred and twenty-first chapter of The Revised Statutes of Ontario, intituled '*An Act respecting Private Lunatic Asylums*,' unless required to divulge the same by legal authority: So help me God."

C. S. C. c. 73, s. 12.

2. The Clerk may thereafter, at his own cost, employ such At whose cost. Assistant. C. S. C. c. 73, s. 13.

14. No person shall act as a Visitor or Clerk or Assistant Clerk to any Visitors, or act in granting any license, who then is or within one year then next preceding has been directly or indirectly interested in any house licensed for the reception of lunatics, or in the profits of such reception. C. S. C. c. 73, s. 14. Clerk not to be interested in the Institution

15. No physician being a Visitor shall sign any certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend upon any patient in any licensed house or hospital unless he is directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Provincial Secretary, or by the Chancellor or one of the Vice-Chancellors of the Court of Chancery, or by a committee appointed by them or one of them. C. S. C. c. 73, s. 15. Restrictions upon physicians being visitors.

16. If any Visitor, or Clerk or Assistant Clerk to any Visitors, after his appointment becomes so interested in any house licensed for the reception of lunatics, or in the profits of such reception, such Visitor, Clerk or Assistant Clerk, shall be disqualified from acting, and shall cease to act in such capacity. C. S. C. c. 73, s. 16. Visitor or Clerk becoming interested to be disqualified.

[Section 17 of C. S. C. c. 73, is as follows:—

17. If any person, being disqualified as aforesaid, takes the office of Visitor, Clerk or Assistant Clerk, or, being a Visitor, Clerk or Assistant Clerk, continuing to becomes disqualified as aforesaid, and afterwards continues to act in such act. capacity, such person shall be guilty of a misdemeanor. 14, 15 V. c. 84, s. 6.]

17. If any physician, being a Visitor, signs a certificate for the admission of a patient into any licensed house or hospital, or professionally attends any patient in any such house or hospital (except as aforesaid), such physician shall for each offence forfeit the sum of two hundred dollars. C. S. C. c. 73, s. 18. Penalty on physicians.

*License, How Obtained, etc.*

18. Every person who desires to have a house licensed for the reception of lunatics, shall give a notice to the Clerk of the Peace for the County in which such house is situate, four- Notice by applicants for license.

teen clear days at the least prior to some General Sessions for such County. C. S. C. c. 73, s. 19.

## Contents of.

**19.** Such notice shall contain the true Christian name and surname, place of abode, and occupation of the person to whom the license is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person to whom the license is desired to be granted, does not propose to reside himself in the licensed house, the notice shall contain the true Christian name and surname, place of abode and occupation of the Superintendent who is to reside therein. C. S. C. c. 73, s. 20.

## Plan of the house, &amp;c.

**20.** The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of—

## Its situation.

1. The situation thereof;

## Size of room.

2. The length, breadth and height of, and a reference by a figure or letter, to every room and apartment therein;

## Extent of grounds.

3. A statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein; and

## Number of patients provided for.

4. Also a statement of the number of patients proposed to be received into such house, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received in such house, and of the means by which the one sex may be kept distinct and apart from the other. C. S. C. c. 73, s. 21.

## To be submitted to the County Justices.

**21.** Such notice, plan and statement, when sent to the Clerk of the Peace, shall be laid by him before the Justices of the County, at the time they take into their consideration the application for such license. C. S. C. c. 73, s. 22.

## Form of license.

**22.** Every license, as nearly as conveniently may be, shall be in the form or to the effect of Schedule A annexed to this Act, and shall be under the hands and seals of three or more Justices of the Peace for the County, in General Sessions assembled, of whom the Chairman or other presiding officer of such General Sessions for the time being shall be one, and shall be granted for such period, not exceeding thirteen months, as the Justices think fit. C. S. C. c. 73, s. 31.

## Securities by licensee.

**23.** No such license shall be granted or renewed unless the person to whom such license is granted or renewed enters into a bond to Her Majesty in the sum of four hundred dollars,



with two sufficient sureties, each in the sum of two hundred dollars, or one sufficient surety in the sum of four hundred dollars, under the usual conditions for the good behaviour of such person during the time for which such license is granted or renewed. C. S. C. c. 73, s. 32.

**24.** Any person to whom a license is granted may remove the Superintendent named in the notice, and may at any time appoint another Superintendent, upon giving to the Visitors of the house a notice containing the true Christian name and surname, place of abode and occupation of the new Superintendent. C. S. C. c. 73, s. 23.

Superintendent, removal of.

**25.** No one license shall include or extend to more than one house; but if there is any place or building detached from a house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building is specified, delineated and described in the notice, plan and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may, if the Justices think fit, be included in the license for the house, and if so included, shall be considered part of such house for the purposes of this Act. C. S. C. c. 73, s. 24.

One license for each house.

**26.** No addition or alteration shall be made to, in or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan thereof, to be drawn upon the scale aforesaid, and accompanied by such description as aforesaid, has been given to the Clerk of the Peace, by the person to whom the license has been granted, nor unless the consent in writing of two of the Visitors has been previously obtained. C. S. C. c. 73, s. 25.

Alterations in Asylums.

*[Section 26 of C. S. C. c. 73, is as follows:—*

26. If any person wilfully gives an untrue or incorrect notice, plan, statement or description of any of the things hereinbefore required to be included in any notice, plan or statement, he shall be guilty of a misdemeanor. 14, 15, V. c. 84, s. 10.

Penalty for erroneous notice, description, &c.

**27.** In every case in which a license for the reception of lunatics is granted by any Justices, the Clerk of the Peace for the County shall, within fourteen days after such license has been granted, send a copy thereof to the Provincial Secretary. C. S. C. c. 73, s. 27.

Copy of license to be sent to the Provincial Secretary.

**28.** Any Clerk of the Peace omitting to send such copy within such time, shall for every such omission forfeit a sum not exceeding eighty dollars. C. S. C. c. 73, s. 28.

Penalty for omission.

*Renewals.*

Applicants for renewal of licenses.

**29.** Every applicant for the renewal of a license, shall with the application, transmit to the Clerk of the Peace for the County, a statement signed by the applicant containing the names and numbers of the patients of each sex then detained in the house to which such license relates. C. S. C. c. 73, s. 29.

[Section 30 of C. S. C. c. 73, is as follows:—

Penalty for obtaining renewal without a statement.

**30.** Any person who obtains the renewal of a license without making such statement, shall for every such offence forfeit the sum of forty dollars, and any person who makes any such statement untruly shall be guilty of a misdemeanor, 14, 15, V. c. 94, s. 12.]

*Fees for Licenses.*

Fees thereon.

**30.** For every license there shall be paid to the Clerk of the Peace, for every patient proposed to be received into such house, the sum of two dollars; and if the total amount of such sums of two dollars does not amount to sixty dollars, then so much more as together therewith will make up the sum of sixty dollars, and no such license shall be delivered until the sum payable for the same has been paid. C. S. C. c. 73, s. 33.

Where license for less than 13 months.

**31.** If the period for which a license is to be granted is less than thirteen months, the Justices may reduce the payment to be made on such license to any sum not less than twenty dollars. C. S. C. c. 73, s. 34.

Application of fees.

**32.** All moneys to be received for licenses granted by any Justices under this Act shall be applied by the Clerk of the Peace for the County towards the payment of the salary or remuneration of the Clerk to the Visitors for such County, and towards the payment or discharge of the costs, charges and expenses incurred by or under the authority of the same Justices or Visitors, in the execution of or by virtue of this Act. C. S. C. c. 73, s. 35.

Clerk of the Peace to keep accounts of moneys received or expended.

**33.** The Clerk of the Peace for every County shall keep an account of all moneys received and paid by him under or by virtue of or in the execution of this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the Visitors for the County, and every such account shall be laid by the Clerk of the Peace before the Justices at the first General Sessions in the ensuing year. C. S. C. c. 73, s. 36.

*Transfers and Removals.*

When license assignable.

**34.** If any person to whom a license has been granted under this Act, by sickness, or other sufficient reason, becomes incapable of keeping the licensed house, or dies before the ex-

piration of the license, any three Justices for the County, of whom the Chairman of the General Sessions for the County shall be one, may, by writing endorsed on such license under the hands of such three Justices, transfer the license, with all the privileges and obligations annexed thereto, for the term then unexpired, to the person who at the time of such incapacity or death was the Superintendent of such house, or had the care of the patients therein, or to such other person as such Justices approve, and in the mean time such license shall remain in force, and have the same effect as if granted to the Superintendent of the house. C. S. C. c. 73, s. 37.

**35.** In case a license has been granted to two or more persons, and before the expiration thereof, one or more of such persons die leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. C. S. C. c. 73, s. 38. Survivorship

**36.** If any licensed house is pulled down or occupied under the provisions of any statute, or is by any *vis major*, or by fire, tempest or other accident, rendered unfit for the accommodation of lunatics, or if the person keeping any such house desires to transfer the patients to another house, any two or more of the Visiting Justices for the County within which the new house is situate, upon the payment to the Clerk of the Peace of not less than four dollars may grant to the person whose house has been so pulled down, occupied or rendered unfit as aforesaid, or who desires to transfer his patients as aforesaid, leave or license to keep such other house for the reception of lunatics, for such time as the said Justices think fit; but the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for license for any house, and shall be accompanied by a statement in writing of the cause of such change of house, and except in cases in which the change of house is occasioned by fire or tempest, seven clear days' previous notice of the intended removal, shall be sent by the person to whom the license for keeping the original house was granted to the person who signed the order for the reception of each patient, or the person by whom the last payment on account of each patient had been made. C. S. C. c. 73, s. 39. Transfer of patients.

#### *Revocation of Licenses.*

**37.** In case a majority of the Justices of any County, in General Sessions assembled, resolve to recommend to the Lieutenant-Governor the revocation of any license granted under this Act, or that the same be not renewed, such Justices shall cause to be given to the person licensed, or to the resident Superintendent of the licensed house, or to be left at the licensed house, seven clear days' previous notice in writing of the intended recommendation. C. S. C. c. 73, s. 40. Revocation of license.

When the Lieutenant-Governor may revoke.

**38.** Upon the receipt of such recommendation the Lieutenant-Governor, by an instrument under his hand and seal, may revoke or prohibit the renewal of such license; and in the case of a revocation, the same shall take effect at a period to be named in the instrument, not exceeding two months from the time a copy or notice thereof has been published in the *Ontario Gazette*. C. S. C. c. 73, s. 41.

How revocation notified and promulgated.

**39.** A copy or notice of the instrument of revocation shall be transmitted to the person licensed or to the resident Superintendent of, or be left at, the licensed house, after which the same shall be published in the *Ontario Gazette*. C. S. C. c. 73, s. 42. *And see as to revocation on report of Inspector of Prisons and Public Charities, Rev. Stat. c. 224, s. 15.*

### *Admission of Patients.*

Orders for admission of patients.

**40.** No person, whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money is received or agreed to be received for board, lodging or any other accommodation, shall be received into or detained in any licensed house without an order under the hand of some person according to the form, and stating the particulars mentioned in Schedule B., nor without the medical certificates, according to the form of Schedule C., of two physicians not being partners or brothers, or father and son, and each of whom separately from the other had personally examined the person to whom it relates not more than seven clear days previous to the reception of such person into such house, and each of whom signed and dated the certificate on the day on which such person was so examined. C. S. C. c. 73, s. 43.

Medical Certificates.

*[The original Section (43) adds :—*

And every person who receives or detains any such person in any such house without such order and medical certificates, and any physician who knowingly signs any such medical certificate untruly stating any of the particulars required by this Act shall be guilty of a misdemeanor. 14, 15, V. c. 84, s. 21.]

Facts to be certified.

**41.** Every physician who signs any such certificate shall specify therein the fact or facts (whether arising from his own observation or from the information of any other person) upon which he has formed his opinion that the person to whom such certificate relates is a lunatic, or an insane person, or an idiot, or a person of unsound mind. C. S. C. c. 73, s. 44.

Lunatics not to be received into unlicensed houses without medical certificates.

**42.** No person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without having first obtained the medical certificates required by this Act for the admission of an insane person into a licensed house. C. S. C. c. 73, s. 45.



**43.** Every person who receives to board or lodge in any house not licensed under this Act, or takes the care or charge of any insane person, shall within three months next after receiving such insane person into his house, or under his care, transmit to the Clerk of the Visitors of the County a copy of such medical certificates, sealed and endorsed "*Private Return*," and every such person shall also (if the insane person continues in his house or under his care) on the first day of January, of every year, or within seven clear days thereafter, transmit to such Clerk a certificate, signed by two physicians describing the then actual state of mind of such insane person, and endorsed "*Private Return*," and all such private returns shall be preserved by the said Clerk, and shall be open to the inspection of the Visitors only. C. S. C. c. 73, s. 46.

Notice thereof to be sent to the Clerk of the Visitors.

[*The original section (46) adds :—*

And every person who fails to conform to the provisions of this and the last preceding section shall be deemed guilty of a misdemeanor. 14, 15, V. c. 84, s. 23.]

**44.** Any person may, under special circumstances, be received into any such house, upon such order with the certificate of one physician alone, provided the order states the special circumstances which prevented the person from being examined by two physicians; but in every such case another certificate shall be signed by some other physician, not connected with any house licensed as aforesaid, and who has specially examined such person within three days after his reception into such house. C. S. C. c. 73, s. 47.

When certificate of one physician sufficient.

[*Section 48 of C. S. C. c. 73, is as follows :—*

48. Every person who having received any person into a house licensed as aforesaid upon the certificate of one physician alone, keeps such person or permits him to remain in the house beyond the said period of three days without such further certificate shall be guilty of a misdemeanor. 14, 15, V. c. 84, s. 24.]

Further certificate to be obtained.

**45.** No physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a licensed house, shall sign any certificate for the reception of a patient into such house; and no physician who, or whose father, brother, son or partner, signs the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient. C. S. C. c. 73, s. 49.

When physician not allowed to certify.

[*The original section (49) adds :—*

And any physician who signs any certificate contrary to any of the provisions hereinbefore contained or without having complied with all the provisions hereby required in the case of the patient to whom the same relates, or who in such certificate describes his medical qualification untruly, or untruly states anything therein shall be guilty of a misdemeanor. 14, 15, V. c. 84, s. 25.]

Books to be kept, and entries made therein.

**46.** Every proprietor or Superintendent who receives any patient into any licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a book to be kept for that purpose, to be called "The Book of Admissions," according to the form and containing the particulars required in Schedule D, so far as he can ascertain the same, except as to the form of the mental disorder, and except also, as to the discharge or death of the patient, which shall be made when the same happens; and every person who so receives any such patient and does not, within two days thereafter, make such entry (except as aforesaid), shall forfeit a sum not exceeding ten dollars. C. S. C. c. 73, s. 50.

[*The original section (50) adds:—*

And every person who knowingly and willingly in any such entry, untruly sets forth any of the particulars shall be guilty of a misdemeanor. 14, 15, V. c. 84, s. 26.]

The form of mental disorder to be entered.

Under penalty.

**47.** The form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said "Book of Admissions" by the medical attendant of the house; and every medical attendant who omits to make any such entry within the time aforesaid, shall, for every such omission, forfeit a sum not exceeding ten dollars. C. S. C. c. 73, s. 51.

Copy of order to be sent by proprietor to Clerk of Visitors.

**48.** The proprietor or resident Superintendent of every licensed house, shall, after two clear days, and before the expiration of seven clear days from the day on which any patient has been received into the house, transmit to the Clerk of the Visitors within whose jurisdiction the house is situate, a copy of the order and medical certificates or certificate on which the patient has been received, and also, a notice and statement according to the form of Schedule E. C. S. C. c. 73, s. 52.

[*The original section (52) adds:—*

And every proprietor or resident Superintendent of any such house who neglects to transmit such copy, notice or statement to the Clerk of the Visitors shall be guilty of a misdemeanor. 14, 15, V. c. 84, s. 28.]

In cases of escape, what steps to be taken.

**49.** When a patient has escaped from a licensed house, the proprietor or Superintendent of such house shall, within two clear days next after the escape, transmit a written notice thereof to the Clerk of the Visitors within whose jurisdiction such house is situate; and the notice shall state the Christian name and surname of the patient who so escaped, and his or her then state of mind, and also the circumstances connected with the escape; and if the patient is brought back to such house, the proprietor or resident Superintendent shall within two clear days after the patient has been brought back, transmit a written notice thereof to the Clerk of the Visitors;

and the notice shall state when the patient was so brought back, and the circumstances connected therewith, and whether with or without a fresh order and certificates or certificate; and every proprietor or resident Superintendent omitting to transmit such notice, whether of escape or of return, shall, for every such omission, forfeit a sum of forty dollars. C. S. C. c. 73, s. 53. Under penalty.

*Removal, Discharge, Death, etc.*

**50.** When a patient is removed or discharged from a licensed house, or dies therein, the proprietor or Superintendent of the house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to the form and stating the particulars in Schedule F to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of the patient, if known, to the Clerk of the Visitors in whose jurisdiction the house is situate, according to the form, and containing the particulars in Schedule G to this Act. C. S. C. c. 73, s. 54. Removal, discharge, &c., to be noted in a book.  
And notice given.

*[The original section (54) adds:—*

And every proprietor or Superintendent of any such house who neglects to make such entry or transmit such notice, or knowingly sets forth therein anything untruly, shall be guilty of a misdemeanor. 14, 15 V. c. 84, s. 30.]

**51.** In case of the death of a patient in a licensed house, a statement of the cause of the death of the patient, with the name of any person present at the death, shall be forthwith drawn up and signed by the medical attendant of the house, and a copy thereof, duly certified by the proprietor or Superintendent of such house, shall, within forty-eight hours after the death of the patient, be by such proprietor or Superintendent transmitted to the nearest Coroner, and also to the Clerk of the Visitors, in whose jurisdiction the house is situate, and also to the person who signed the order for the patient's confinement, or if such person is dead or absent from the Province, then to the person who made the last payment on account of the patient, and every medical attendant, proprietor or Superintendent who neglects or omits to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum of not exceeding two hundred dollars. C. S. C. c. 73, s. 55. Certificate required in case of death.  
Under penalty.

*[Section 56 of C. S. C. c. 73, is as follows:—*

**56.** If any Superintendent, officer, nurse, attendant, servant, or other person employed in any licensed house, in any way abuses or ill-treats any patient confined therein, or wilfully neglects any such patient, he shall be guilty of a misdemeanor. 14, 15 V. c. 84, s. 32.] Penalty for mal-treatment of patients.

Remedy for  
persons ille-  
gally confined.

**52.** In case any person released from confinement in any licensed house considers himself to have been unjustly confined, the Clerk of the Visitors, within whose jurisdiction the house is situate shall at his request, furnish to him, or to his attorney, without fee or reward a copy of the certificates and order upon which he has been confined ; and the Lieutenant-Governor may cause to be prosecuted on the part of the Crown, any person who has been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who has been concerned in the neglect or ill-treatment of any patient or persons so confined. C. S. C. c. 73, s. 57.

*Medical Attendance.*

When there  
shall be an at-  
tendant phy-  
sician daily,  
&c.

**53.** In every house licensed for one hundred patients or more, there shall be a resident physician as the Superintendent or Medical Attendant thereof ; and every house licensed for less than one hundred, and more than fifty patients, (in case such house is not kept by, or has not a resident physician,) shall be visited daily by a physician, and every house licensed for less than fifty patients (in case such house is not kept by, or has not a resident physician) shall be visited twice in every week by a physician ; but the Visitors of any house may direct that such house shall be visited by a physician at any other time or times, not being oftener than once in every day. C. S. C. c. 73, s. 58.

According to  
the number of  
lunatics.

When a phy-  
sician to visit,  
if less than 11  
lunatics.

**54.** Where any house is licensed to receive less than eleven lunatics, any two of the Visitors of such house, if they respectively think fit, may, by writing under their hands, permit the house to be visited by a physician at such intervals more distant than twice every week, as such Visitors appoint, but not at a greater interval than once in every two weeks. C. S. C. c. 73, s. 59.

Entries to be  
made in "The  
Medical Visit-  
ing Book."

**55.** Every physician, in case there is only one, keeping or residing in or visiting any licensed house, and in case there are two or more physicians keeping or residing in or visiting any licensed house, then one at least of such physicians, shall once in every week (or, in the case of any house at which visits at more distant intervals than once a week are permitted then shall on every visit), enter and sign in a book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a report showing :

1. The date thereof ;
2. The number, sex, and state of health of all the patients then in the house ;
3. The Christian name and surname of every patient who has been under restraint, or in seclusion, or under medical treatment, since the date of the last preceding report ;



## SCHEDULE "G."

(Section 50.)

## FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received  
 into this house on the day of was discharged  
 therefrom, recovered (or relieved, or not improved) or was removed  
 therefrom) by the authority of (or died therein) on the  
 day of

(Signed)

Name.

Superintendent (or Proprietor)  
 of house, at

Dated this day of one thousand eight  
 hundred and

*In case of death, add—*and I further certify that A. B. was present  
 at the death of the said , and that the apparent cause  
 of the death of the said (ascertained by *post*  
*mortem* examination, *if so*) was

C. S. C. c. 73, *Sched. G.*

## SCHEDULE "H."

(Section 83).

## FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of  
 the Visitors appointed under or by virtue of chapter two hundred and  
 twenty-one of The Revised Statutes of Ontario respecting Private Lunatic  
 Asylums, do hereby summon and require you personally to appear  
 before us at , in on  
 the day of , at the hour of  
 in the noon of the same day, and then and there to be  
 examined, and to testify the truth touching certain matters relating to  
 the execution of the said Act.

Given under our hands and seals, this day of ,  
 in the year of our Lord one thousand eight hundred and

C. S. C. c. 73, *Sched. J.*

SCHEDULE "J."  
(Section 55, sub-section 4.)

FORM OF MEDICAL JOURNAL, AND WEEKLY REPORT.

Date of Report.	Number of Patients.		Names of Patients under restraint (and by what means), or in seclusion.		Names of Patients under Medical Treatment.		Report on state of health of Patients, and condition of House.	Deaths, injuries, and violences to Patients.
	Males.	Females.	Males.	Females.	Males.	Females.		

## CHAPTER 222.

## An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

Deaf and Dumb Asylum, s. 1.  
Blind Asylum, s. 2.  
Objects of, s. 3.  
Officers of, s. 4.

Powers and duties of Inspector,  
ss. 5-6.  
Admittance and maintenance of  
patients, s. 7.

HER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :

1. The institution founded and established at Belleville, for the education and instruction of the deaf and dumb, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Deaf and Dumb." 36 V. c. 32, s. 1.

The Institution at Belleville to be for the public use of the Province, etc.

Name.

2. The institution founded and established at Brantford, for the education and instruction of the blind, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Blind." 36 V. c. 32, s. 2.

The Institution at Brantford to be for the public use of the Province, etc.

Name.

3. Such Institutions respectively shall be for the purpose of educating and imparting instruction in some manual art to such deaf and dumb persons and to such blind persons as are born of parents, or are wards of a person *bona fide* resident of and domiciled in the Province of Ontario. 36 V. c. 32, s. 3, first part.

Objects of the institutions.

4. The Lieutenant-Governor may appoint to the said Institutions respectively, to hold office during pleasure, a Principal who shall be the chief executive officer of the same, a Bursar, a Physician, a Matron, and such other officers, instructors and

Appointment of officers.

Salaries. servants as he deems necessary ; and may also fix and determine the salary of every such officer and servant. 36 V. c. 32, s. 4.

Inspector and his powers. **5.** The Inspector of Prisons and Public Charities shall be the Inspector of the said Institutions, and shall have and perform the same powers and duties in respect to the said institutions as are conferred on him in respect of Asylums for the Insane by "*The Prison and Asylum Inspection Act.*" 36 V. c. 32, s. 5 ; 39 V. c. 8. s. 4.

Rev. Stat. c. 224.

Inspector to make rules for management, etc.

**6.** The Inspector shall have power, and it shall be his duty, to make such rules and by-laws as he deems expedient for the government, discipline and management of the said Institutions ; for prescribing and regulating the duties of the Principals, Bursars, Physicians, Matrons, and every other officer, instructor and servant employed in or about such Institutions ; for the education and instruction of the pupils admitted to the same ; and, subject to the provisions hereinbefore contained, for fixing the terms and conditions upon which pupils shall be admitted to, and remain in, the said Institutions respectively, and the period they shall be allowed to remain therein, and their discharge therefrom ;

2, No such rules or by-laws shall have any effect until and unless they are first approved by the Lieutenant-Governor in Council. 36 V. c. 32, s. 6.

Admittance. **7.** No person shall be admitted to either of such Institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the Inspector of Prisons and Public Charities, and upon his report to the Provincial Secretary of the particulars and special circumstances which in the opinion of the Inspector justify such admission ; and the maintenance and support of any person admitted shall be in the discretion of the Inspector, who, on exercise thereof in favour of such person, shall report every six months to the Provincial Secretary the particulars and special circumstances which justify such maintenance and support ; and the Provincial Secretary in either case may annul the right of admission or of continuance in such Institutions, and annul or vary the terms of continuance, support or maintenance. 36 V. c. 32, s. 3, *last part* ; 39 V. c. 8, s. 4.

Maintenance.

Annulling admission.



CHAPTER 223.

An Act to regulate Public Aid to Charitable Institutions.

Short title, s. 1.	Powers and duties of Inspector, ss. 11, 12.
Certain Institutions to be aided, s. 2.	Lieutenant-Governor may add other Institutions to Schedules, s. 13.
Amount of aid, ss. 3-8.	Or remove any Institution therefrom, s. 14.
Hospitals unprovided with small-pox wards not entitled to aid, s. 6.	By-laws to have no force till approved by Lieutenant-Governor, s. 15.
Returns and penalties for false returns, ss. 9, 10.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as “*The Charity Aid Act.*”

Short title.
2. Aid from the public funds or moneys of this Province shall be given to charitable institutions hitherto receiving public aid, and named in Schedules A, B and C, upon the terms and under the provisions of this Act. 37 V. c. 33, s. 2.

Aid to be given to certain charitable institutions.

3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every institution named in said Schedules complying with the requirements of this Act, and of all Orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say :—

(a) Every institution named in said Schedule A shall so have and receive twenty cents for each day’s actual treatment and stay of every patient admitted to, or being within such last-mentioned institution during the calendar year next preceding the year for which such aid is given ;

(b) Every institution named in said Schedule B shall so have and receive five cents for each day’s actual lodgment and maintenance therein of any indigent person during the calendar year next preceding that for which such aid is given ;

(c) Every institution named in said Schedule C shall so have and receive one and a-half cents for each day's actual lodgment and maintenance therein of any orphan or neglected and abandoned child, during the calendar year next preceding that for which such aid is given. 37 V. c. 33, s. 3.

Further aid. 4. In every year as aforesaid, every such institution shall also be entitled to have and receive from such public funds further aid to the extent and amount following, that is to say:

- (a) Every institution named in Schedule A, ten cents ;
- (b) Every institution named in Schedule B, two cents ; and
- (c) Every institution named in Schedule C, one-half cent,

for every such day's actual stay and treatment, or lodgment and maintenance of any patient or person therein, as aforesaid:

Proviso—  
Limit of  
amount of aid.

2. But the aggregate amount of such further aid, at the rate aforesaid, shall not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year from all sources other than the Province, towards the ordinary yearly maintenance thereof, and in every such case, where said further aid in the aggregate would exceed said one-fourth of said last-mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of said last mentioned moneys. 37 V. c. 33, s. 4.

How amount  
to be calcu-  
lated.

5. In calculating the amount of aid so to be given under this Act to any such institution as aforesaid, the day of departure of any such patient or person from any such institution shall not be counted or reckoned. 37 V. c. 33, s. 5.

No further  
money to be  
paid to any  
Hospital  
unless it has  
a small pox  
ward.

6. No warrant shall issue for the payment of any sum of money granted by the Legislature to any Hospital to which small pox patients are admitted unless a certificate has been filed with the Clerk of the Executive Council, signed by a medical officer of such Hospital, to the effect that there is in such Hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with small pox. 24 V. c. 24, s. 1.

Treasurer of  
Province to  
pay over  
amounts.

7. The Treasurer of the Province, with the authority of the Lieutenant-Governor in Council, may, from any moneys appropriated for that purpose by the Legislative Assembly, advance and pay, by such periodical payments in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act, all sums to which such institution may be so entitled ; but if in any year the aggregate aid payable under this Act exceeds the amount of the moneys so

Proviso in case  
aid is in excess  
of sum granted.

appropriated, then every such institution shall in any such year receive by way of aid, as aforesaid, such sum only as will bear the same proportion to the amount of aid which but for this section it would receive, as the amount of moneys so appropriated bears to such aggregate aid as aforesaid. 37 V. c. 33, s. 6.

8. If there is a residue of the moneys so appropriated, because of the same being more than sufficient to pay the sums payable to the said institution as aforesaid, then every of the said institutions named in said Schedules, which may not be entitled to receive under the foregoing provisions the sum set opposite its name in said Schedules, that being the sum heretofore granted thereto, shall receive out of the said residue such an amount by way of supplementary aid as will make the total aid under this Act received by such institution equal to the said sum so set opposite its name, if such residue is sufficient for that purpose, or if insufficient, then such proportion thereof as the said residue will permit of. 37 V. c. 33, s. 8.

Case of a residue of appropriation.

9. The Lieutenant-Governor in Council shall from time to time, by Order in Council, fix and direct the particulars to be contained in, and the form, manner and time of making such return or returns as to the Lieutenant-Governor in Council may, for the due carrying out of the provisions of this Act, seem proper with regard to any such institution, and, by like Order in Council, shall fix and direct the form and manner of oath (if any) required for the verification of any such return, and the person by whom such oath shall be made; and any such oath may be taken before and administered by any Justice of the Peace or Commissioner for taking affidavits. 37 V. c. 33, s. 10.

Returns.

10. Any person who knowingly and wilfully makes, or is a party to, or procuring to be made, directly or indirectly, any false return, either under this Act or any such Order in Council, shall thereby incur a penalty of one thousand dollars, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law, and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. 37 V. c. 33, s. 11.

Penalty in case of false return.

11. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the Inspector of every institution receiving aid under this Act. 37 V. c. 33, s. 9; 39 V. c. 8, s. 4.

Inspector.

12. The said Inspector shall, from time to time, visit and inspect every such institution, and make all proper inquiries as to the maintenance, management, and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correct-

Duties of Inspector.

ness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid ; upon all which matters he shall make report to the Lieutenant-Governor in Council. 37 V. c. 33, s. 12.

Lieutenant-Governor in Council may name similar institutions to those mentioned to receive aid.

**13.** The Lieutenant-Governor in Council may, by Order in Council, direct that any institution (naming it) similar to those named in either of said Schedules, shall be thereafter taken as named in such one of said Schedules as in that behalf is specially designated in such Order ; and thereupon and thereafter said last mentioned institution shall receive aid under this Act after the manner and to the same extent as the other institutions now named in said last mentioned Schedule :

Upon report of the Inspector.

**2.** No such Order in Council shall be made except upon report of the Inspector of Prisons and Public Charities to and for the information of the Lieutenant-Governor in Council, showing that the institution named in such Order has all the usual and proper requirements for one of its nature and objects, and that, for reasons therein stated, the same ought to be aided under this Act ;

Order in Council to be submitted to Legislative Assembly.

**3.** Every such Order in Council shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such Order shall be operative unless and until the same has been ratified by a resolution of said Legislative Assembly. 37 V. c. 33, s. 7.\*

Lieut.-Governor in Council may order aid to be discontinued,

**14.** The Lieutenant-Governor in Council may, by Order in Council, direct that any institution receiving aid under this Act shall not, after the date of such Order, receive any such aid ; and thereupon, and whilst such Order remains unrevoked, such last mentioned institution shall not be entitled to or receive any further aid from the public moneys of the Province ; but upon report of the said Inspector, disclosing good and sufficient grounds in that behalf, it shall always be competent for the Lieutenant-Governor in Council to revoke any such last men-

but upon report of Inspector, order may be revoked.

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The following institutions have heretofore received aid under this provision :—

*Additions to Schedule A.*

The General Hospital, Guelph.  
The St. Joseph Hospital and Home for the Poor, Guelph.

*Additions to Schedule B.*

The House of Providence, Kingston.  
The House of Incurables, Hamilton.

*Additions to Schedule C.*

The Boys' Home, Hamilton.  
The Industrial School, Hamilton.  
The Home for the Friendless, Hamilton.  
The Protestant Home for Orphans, Aged, and Friendless, London.  
St. Agatha Orphan Asylum, St. Agatha.  
The Infants' Home, Toronto.

*See Order in Council, 2nd Feb., 1876.*



tioned Order by a subsequent Order in Council, and thereafter such institution shall again receive aid under this Act, and shall be subject to all its provisions, as if the Order in Council firstly in this section mentioned had not been made; and if at any time, upon report of said Inspector, it is found that any institution of the character named in Schedule A is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, the Lieutenant-Governor in Council shall thereupon make such Order as is firstly in this section mentioned. 37 V. c. 33, s. 13.

**15.** No by-laws or regulations adopted by the directors or managers, or other body or persons having the control or management of any institution named in Schedules A and B, for the government and management of such institution, or for prescribing the method and terms of admission thereto, or defining and regulating the duties and powers of the officers and servants thereof, and the salaries (if any) of such officers and servants, shall have force or effect unless and until the same have been approved of by the Lieutenant-Governor in Council, upon the report of the Inspector of Prisons and Public Charities. 37 V. c. 33, s. 14.

Managers of  
institutions to  
make by-laws  
and submit  
same to Lieut.-  
Governor in  
Council.

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#### SCHEDULE A.

Toronto General Hospital.....	\$11,200 00
The City Hospital, Hamilton .....	4,800 00
Kingston Hospital, Kingston.....	4,800 00
Hotel Dieu Hospital, Kingston.....	1,000 00
County of Carleton General Protestant Hospital, Ottawa....	1,200 00
The General Roman Catholic Hospital, Ottawa.....	1,200 00
The General Hospital, London.....	2,400 00
The General and Marine Hospital, St. Catharines.....	1,000 00
The Burnside Lying-in Hospital, Toronto .....	480 00
The Toronto Eye and Ear Infirmary .....	1,000 00

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#### SCHEDULE B.

The House of Industry, Toronto.....	\$2,900 00
The House of Providence, Toronto .....	1,000 00
The House of Industry and Refuge for Indigent Sick, Kings- ton.....	2,400 00
The House of Refuge, Hamilton.....	720 00

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#### SCHEDULE C.

The Orphans' Home and Female Aid Society, Toronto.....	\$640 00
Roman Catholic Orphan Asylum, Toronto.....	640 00
The Toronto Magdalen Asylum.....	480 00

The Girls' Home and Public Nursery, Toronto.....	\$320 00
The Boys' Home, Toronto.....	320 00
The Orphans' Home, Kingston.....	640 00
The Roman Catholic Orphan Asylum, London.....	640 00
The St. Mary's Orphan Asylum, Hamilton .....	640 00
The Hamilton Orphan Asylum.....	640 00
The St. Patrick's Orphan Asylum, Ottawa .....	480 00
The Orphans' Home, Ottawa.....	480 00
The St. Joseph's Orphan Asylum, Ottawa .....	480 00
The Magdalen Asylum, Ottawa.....	480 00

## CHAPTER. 224.

An Act to provide for the Inspection of Asylums, Hospitals, Common Gaols and Reformatories in this Province.

Short title, s. 1.	As to Private Lunatic Asylums, s. 15.
Interpretation, s. 2.	As to other Institutions, s. 16.
Amendment of rules, s. 3.	Record of proceedings, s. 17.
Appointment of Inspector, s. 4.	Report to Lieutenant-Governor, s. 18.
Official name, s. 5.	Gaols, construction and alteration of, ss. 19-24.
Salary, s. 6.	Deputies of Inspector, s. 25.
Duties and powers—	Actions under this Act, s. 26.
As to Gaols, etc., ss. 7-9.	
As to Asylums, ss. 10-12.	
As to Hospitals, etc., ss. 13-14.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as "*The Prison and Asylum Inspection Act.*" 31 V. c. 21, s. 22.

Meaning of "County." **2.** In the construction of this Act the word "County" shall be held to mean County or Union of Counties. 31 V. c. 21, s. 20.

Rules heretofore in force. **3.** The rules and regulations in force on the twenty-eighth day of February, one thousand eight hundred and sixty-eight, for the government of all Public Asylums, Hospitals, Common Gaols, and Reformatory and other Prisons in this Province, other than the Provincial Penitentiary, may, from time to time, be amended, altered, changed, rescinded, or suspended, by order of the Lieutenant-Governor in Council. 31 V. c. 7, s. 2.

4. The Lieutenant-Governor may appoint some fit and proper person to be Inspector of all Public Asylums, Hospitals, Common Gaols and Reformatories in this Province, other than the Provincial Penitentiary, who shall hold office during pleasure. 31 V. c. 21, s. 1. Appointment of Inspector.

5. For the purposes of chapters two hundred and seventeen to two hundred and twenty-three of The Revised Statutes of Ontario, the Inspector so appointed shall be a corporation sole, by the name of "The Inspector of Prisons and Public Charities," and by that name he and his successors in office shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's Courts in this Province. 34 V. c. 17, s. 35; 39 V. c. 8, s. 4. Inspector to be a corporation sole.

6. The salary of the said Inspector shall be two thousand dollars per annum, inclusive of travelling expenses, and shall be charged upon and payable out of the Consolidated Revenue Fund for the Province of Ontario. 31 V. c. 21, s. 21. Inspector's salary.

7. It shall be the duty of the said Inspector to visit and inspect every Gaol, House of Correction, Reformatory and Prison or place kept or used for the confinement of persons, in any part of this Province, other than the Provincial Penitentiary, at least twice in each year, and he may examine any person holding any office or receiving any salary or emolument in any such place of confinement, as aforesaid, and call for and inspect all books and papers relating to such place of confinement, and may enquire into all matters concerning the said place of confinement; and he shall make a separate and distinct report in writing to the Lieutenant-Governor of the state of every such place of confinement visited by him. 31 V. c. 21, s. 2. Inspector's duties.

8. Where the said Inspector considers it expedient to institute an inquiry into the management of any of the said institutions, or of any other institution subject to be inspected by him, or into any matter in connection therewith, or into the truth of any return made by the officers of any of the said institutions, and considers it expedient that any of the officers of such institution or any other person should be required to give evidence before him on oath, the Inspector shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce documents and to give evidence, as any Court has in civil cases. 39 V. c. 19, s. 1. Report to Lieut.-Governor.

9. The said Inspector shall have power from time to time, subject to the approval of the Lieutenant-Governor in Council, to alter, amend, cancel or rescind any existing rules or regulations for the government of the Common Gaols of this Province, and to frame and adopt other rules and regulations in that behalf, touching or extending to— Power of Inspector in instituting inquiries into institutions subject to his inspection.

Power to rescind existing regulations, and to frame others.

(a) The maintenance of the prisoners in regard to diet, clothing, bedding, and other necessities ;

(b) Their employment ;

(c) Medical attendance ;

(d) Religious instruction ;

(e) The conduct of the prisoners, and the restraint and punishment to which they may be subjected ;

Regulations to be submitted to Lieut.-Governor. Special regulations by County Councils.

(f) Also to the treatment and custody of the prisoners generally, the whole internal economy and management of the Gaol, and all such matters connected therewith as may be considered by him expedient, which rules and regulations shall be submitted to the Lieutenant-Governor for his approval and confirmation ;

2. Nothing herein contained shall be held to prevent the County Councils in this Province from making such special regulations as the peculiar circumstances of their respective Gaols and localities may, in their opinion, require, such special regulations not being inconsistent with this Act, or with the general rules and regulations to be made by the Inspector and approved by the Lieutenant-Governor, as aforesaid. 31 V. c. 21, s. 3.

Examination of Lunatic Asylums.

10. With respect to the Asylums for the Insane, at Toronto, London, Hamilton, Kingston and Orillia, the said Inspector shall, at least three times a year, thoroughly examine the manner in which the said institutions are conducted, respectively, and examine the reports respectively made to him by the Medical Superintendents and Bursars. 31 V. c. 21, s. 6.

Reports by Medical Superintendents and Bursars.

By-laws.

11. The Inspector shall from time to time frame such by-laws as seem to him most conducive to the peace, welfare and good government of the said Asylums, which said by-laws shall have effect when the Lieutenant-Governor has signified his assent thereto. 31 V. c. 21, s. 7.

Inspector's Annual Report.

12. The said Inspector shall, with his annual report to the Lieutenant-Governor, transmit the reports made to him by the Medical Superintendents and Bursars, with his observations thereon. 31 V. c. 21, s. 9.

Inspection of Hospitals.

13. The Inspector shall, at least twice a year, and oftener if ordered by the Lieutenant-Governor, visit, examine and report upon the state and management of every Hospital or other benevolent institution supported wholly by grant of public money, or by money levied under the authority of law. 31 V. c. 21, s. 10.



**14.** The Inspector, whenever required by the Lieutenant-Governor so to do, shall visit, examine, and report to him upon the state, management and condition of every Hospital or other benevolent institution supported, in part, by grant of public money, and, in case of refusal of admission into the same for the purpose of inspection, shall forthwith report such refusal to the Lieutenant-Governor, with the circumstances attending the same. 31 V. c. 21, s. 11; and see *Rev. Stat. c. 223*, s. 11.

Report of the management, etc.

**15.** The Inspector, whenever required to do so by the Lieutenant-Governor, and at least once in the year, shall visit, examine and report to him upon the state and management of every Private Lunatic Asylum established under the provision of *The Act respecting Private Lunatic Asylums*, and upon the condition of its inmates, and the Lieutenant-Governor, after the receipt of any such report of the Inspector, may, by any instrument under his hand and seal, suspend or revoke the license granted under the said Act. 31 V. c. 21, s. 12.

Report on Private Lunatic Asylums.

*Rev. Stat. c. 221.*

Revocation of license.

**16.** The said Inspector shall have and perform the same powers and duties with respect to any other Lunatic Asylum or any Asylum for Idiots, or for the Deaf, Dumb or Blind, that may have been, or may be, erected at the public expense, as are vested in him by this Act with respect to the Asylums for the Insane hereinbefore mentioned. 31 V. c. 21, s. 13. See *Rev. Stat. c. 222*, s. 5.

Asylum for Idiots, Deaf, Dumb, and Blind.

**17.** The said Inspector shall keep an exact record of his proceedings, and transmit a copy thereof to the Lieutenant-Governor, under the hand of the said Inspector. 31 V. c. 21, s. 8.

Copy of proceedings sent to Lieut.-Governor.

**18.** The Inspector shall make an annual report to the Lieutenant-Governor as soon as may be after the first day of October in each year, which report shall contain a full and accurate report on the state, condition and management of the several Asylums, Hospitals, Gaols and other institutions under his inspection, and inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and which report, as far as respects the Reformatories under his inspection, shall comprise and embrace the following particulars, viz:

General Annual Report.

Suggestions for improvement.

- (a) A copy of the Warden's Report to the Inspector ;
- (b) Copies of the Chaplain's Report to the Inspector ;
- (c) Copy of the Physician's Annual Report ;
- (d) A return of the names, ages, country, calling and crimes of the offenders received into the Reformatory during the year, and the Township, County, Town and City from which each came ;

P. r. ticulars.

(e) A return of the names, ages, callings and crimes of the offenders who died in the Reformatory during the year, and the Township, County, Town and City from which each came ;

(f) A similar return of the offenders liberated during the year, by the expiration of the term for which they were sentenced ;

(g) A similar return of the offenders who had the Royal pardon extended to them during the year ;

(h) A tabular statement showing the number of prisoners in the Reformatory at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the Reformatory during the year, showing the particulars separately as to the male and female prisoners.

(i) A balance sheet of the affairs of the institution, at the first day of October of the year reported upon, showing the amount of cash received from the public exchequer since the commencement of the institution and the existing assets thereof ;

(j) A cash balance for the past year, showing the sum on hand on the first day of October, the cash received through the year from Government towards the support and expenses of the prison, the amount received for convict labour, and the amounts received on all other accounts during the year ; the said balance sheet shall also show separately the sums paid for food, bedding, clothing and hospital stores for the offenders, the salaries of the officers, fuel and light, for the erection of new buildings and repairs, for the support of the stable, and for all other items of expenditure, also the cash on hand at the close of the year ;

(k) A statement of all debts due by the institution, showing the names of the parties to whom each sum is due, also showing the debts, if any, due to the institution, with the amounts and ground of each debt ;

(l) An inventory and valuation of all the property, estate and effects of the institution, distinguishing the estimated value of the several descriptions of property ;

(m) An estimate of the receipts and expenditures for the current year, and of the amount of aid likely to be required from the Provincial exchequer ;

(n) A statement showing in what manner the offenders were employed as at the first day of October of the year reported on, and the average number at each trade or occupation during the year. 31 V. c. 21, s. 14 ; 40 V. c. 7, *Sched. A* (208).

**19.** Every Gaol erected in this Province shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor; and no Gaol built after the fourth day of March, A. D. 1868, in any County in Ontario, otherwise than according to a plan approved and sanctioned as aforesaid, or that does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the Gaol of such County. 31 V. c. 21, s. 4.

Construction  
of gaols.

**20.** The Inspector, before deciding in any case upon the plan of a Gaol most proper to be adopted, shall take into consideration—

Gaol plans,  
consideration  
of.

1. The nature and extent of the ground upon which such gaol has been or is to be built; Particulars.

2. Its relative situation to any streets and buildings, and to any river or other water;

3. Its comparative elevation and capability of being drained;

4. The material of which it has been or is to be composed;

5. The necessity of guarding against cold and dampness, and of providing properly for ventilation;

6. The proper classification of prisoners, having respect to their age, sex and cause of their confinement;

7. The best means of ensuring their safe custody without the necessity of resorting to severe treatment;

8. The due accommodation of the keeper of the gaol, so that he may have ready access to the prisoners and conveniently oversee them;

9. The exclusion of any intercourse with persons without the walls of the building;

10. The prevention of nuisances, from whatever cause;

11. The combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the Common Gaols may really serve for places of correction;

12. The admission of prisoners to air and exercise without the walls of the building; and

13. The enclosure of the yard and premises with a secure wall. 31 V. c. 21, s. 5.

**21.** In case the Inspector at any time finds that the Common Gaol in any County or City in this Province is out of repair, or is or has become unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity

Gaol repairs.

Report to the  
Lieut.-Governor.

Copy furnished  
to the County  
Council.

By-law for  
repairs.

In default of  
repairs—pro-  
ceeding by  
*mandamus*.

with the provisions of section twenty of this Act, or that the same does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the Council of the County or City to which such Common Gaol belongs, and such Council shall thereupon appoint a special committee to confer with the said Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defect so reported upon by the Inspector, and to report the same to the said Council, and in case the Inspector and the said Committee do not agree upon the said repairs, alterations or additions, the matter shall then be referred to the Lieutenant-Governor in Council to decide between them, which decision shall be reported to the said Council; and it shall be the duty of the said Council in either case, by by-law, to order and provide for the making of the said repairs, alterations or additions, and for the appropriation of any money that may be required for that purpose, and in default thereof the said Council may be proceeded against by *mandamus* issued out of either of the Superior Courts of Common Law at Toronto, at the instance and prosecution either of the Attorney General for Ontario or any private prosecutor, to compel the making by the said Council of such repairs, alterations or additions, and the said Council and the members and officers thereof shall be subject to all the process of the said Courts for contempt of the orders or process thereof. 31 V. c. 21, s. 15.

Repairs to be  
made with due  
regard to the  
ability of the  
Council to  
meet the ex-  
pense.

**22.** The Inspector and the said special committee of the said County or City Council shall, in arranging the particulars of the necessary repairs, alterations or additions, as aforesaid, have due regard to the plan of the Gaol, and to the ability of the Council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. 31 V. c. 21, s. 16.

Aid to County  
Councils for  
alterations to  
gaols.

C. S. C. c. 110.

**23.** In order to aid the County Councils in Ontario in making the alterations and additions required by law in the Gaols of their respective Counties, the Lieutenant-Governor in Council may, by Order in Council, direct that out of the Consolidated Revenue Fund of Ontario there shall be paid to the Treasurer of each County which had not, prior to the twentieth day of February, 1868, been aided under "*The Prison and Asylum Inspection Act*" of the late Province of Canada, a sum not exceeding one-half of the expense of making such alterations or additions, and not exceeding the sum of six thousand dollars for any one County. 37 V. c. 31, ss. 1 & 2.

Orders in  
Council to be

**24.** Every Order in Council made under the preceding section shall, as soon as conveniently may be after the making thereof,



be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of said Legislative Assembly. 37 V. c. 31, s. 2.

**25.** The Lieutenant-Governor may authorize such person or persons as he thinks fit, to perform, under the supervision of the Inspector, or otherwise as the Lieutenant-Governor may direct, any of the duties belonging to the office of the said Inspector, and in the performance of the said duties such person or persons may exercise the like powers and authorities as are possessed by the Inspector. 39 V. c. 8, s. 5.

**26.** All actions, suits, and prosecutions against any person or persons for anything done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise or afterwards. 31 V. c. 21, s. 17.



# SCHEDULE A.

SCHEDULE of Acts and parts of Acts repealed from the day upon which the Revised Statutes of Ontario take effect so far as the said Acts and parts of Acts relate to Ontario, and are within the legislative authority of the Legislature of Ontario.

[NOTE.—Sections 7 and 8 of 40 V. c. 6, provide as follows :—

- “ 7. Such repeal shall not be construed as intended to extend to such of the provisions of said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject however to the tenth section of this Act.”
- “ 8. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them: nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.”

Appendix C post contains a list of Acts and parts of Acts which affect Ontario, and may be in force notwithstanding the repeal above mentioned, but which relate either wholly or partially to matters not within the authority of the Legislature of Ontario or in respect to which the power of legislation is doubtful or has been doubted.]

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
22 VICT.—1859.		
29	An Act respecting the Consolidated Statutes of Canada.	The whole
CONSOLIDATED STATUTES OF CANADA.—1859.		
2	An Act respecting the Representation of the People in the Legislative Assembly.	The whole
5	An Act respecting the Provincial Statutes.	The whole
8	An Act respecting the Naturalization of Aliens.	The whole
10	An Act respecting the Governor, Civil List and Salaries of certain Public Officers.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
12	An Act respecting the Commissions of Public Officers and the Oaths of Office and security to be taken and given by them.	The whole
16	An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts and the liability of Public Accountants.	The whole
23	An Act respecting the Sale and Management of Timber on Public Lands.	The whole except section four.
25	An Act respecting the Clergy Reserves.	The whole
27	An Act respecting the Geological Survey of the Province.	Section three
29	An Act respecting Riots near Public Works.	The whole
30	An Act respecting the Sale of Intoxicating Liquors near Public Works.	The whole
33	An Act respecting the Board of Registration and Statistics, and the Census and Statistical Information.	The whole
39	An Act respecting Inoculation and Vaccination.	The whole except section one.
54	An Act respecting Incorporated Banks.	The whole
57	An Act respecting Promissory Notes and Bills of Exchange.	Sections six, seven and eight.
59	An Act respecting the Protection of Persons who receive Assignments and enter into Contracts in relation to Goods entrusted to Agents.	The whole
60	An Act respecting Limited Partnerships.	The whole except sections nineteen to twenty-two inclusive.
61	An Act respecting Pawnbrokers and Pawnbroking.	The whole except sections ten to fourteen inclusive, and twenty-four to twenty-seven inclusive.
64	An Act respecting Mining Companies.	The whole
65	An Act respecting Incorporated Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water.	The whole
66	An Act respecting Railways.	The whole except sections one hundred and fifty-five and one hundred and fifty-eight to one hundred and sixty-one inclusive.
67	An Act respecting Electric Telegraph Companies.	Sections eight, nine, and fourteen to twenty-three, inclusive.



Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
68	An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down streams.	The whole
70	An Act respecting the seizure and sale of shares in the capital stock of Incorporated Companies.	The whole
72	An Act respecting Library Associations and Mechanics' Institutes.	The whole
73	An Act respecting Private Lunatic Asylums.	The whole
74	An Act respecting Rectories.	The whole
75	An Act respecting the Study of Law in this Province.	Sections one and two.
76	An Act respecting the Practice of Physic and Surgery, and the Study of Anatomy.	The whole
77	An Act respecting Land Surveyors and the Survey of Lands.	The whole
78	An Act respecting compensation to the families of persons killed by Accident and in Duels.	The whole
79	An Act respecting the Appointment of Commissioners for Taking Affidavits, and the Attendance of Witnesses in the Courts of Upper and Lower Canada, reciprocally.	The whole except sections four to thirteen inclusive
80	An Act respecting the Admission of Evidence of Foreign Judgments and certain official and other documents.	The whole
82	An Act respecting the Calling and Orderly Holding of Public Meetings.	The whole except sections thirteen to twenty inclusive.
84	An Act respecting the Registration and Transfer of Municipal and certain other Debentures.	The whole except section sixteen.
85	An Act respecting certain Roads and Bridges.	The whole
86	An Act Exempting certain Vehicles, Horses, and other Cattle from Tolls on Turnpike Roads.	The whole
87	An Act to Exempt Firemen from certain local duties and services.	The whole
88	An Act respecting the Investigation of Accidents by Fire.	The whole
99	An Act respecting the Procedure in Criminal Cases.	Sections eighty-seven, one hundred and twenty, and one hundred and twenty-one.
100	An Act respecting the Qualification of Justices of the Peace.	The whole
101	An Act respecting the Appointment of Magistrates for the remote parts of this Province.	The whole
104	An Act respecting the Appointment of Special Constables.	The whole
107	An Act respecting Prisons for Young Offenders.	The whole

## CONSOLIDATED STATUTES OF UPPER CANADA.—1859.

1	An Act respecting the Consolidated Statutes for Upper Canada.	The whole
2	An Act respecting the Interpretation of certain Words and Terms therein mentioned.	The whole
3	An Act respecting the Territorial Division of Upper Canada.	The whole
9	An Act respecting Property and Civil Rights.	The whole
10	An Act respecting the Superior Courts of Civil and Criminal Jurisdiction.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
11	An Act respecting Courts of Oyer and Terminer, and General Gaol Delivery, and of Assize and Nisi Prius.	The whole
12	An Act respecting the Court of Chancery.	The whole, except sections fifty-eight, fifty-nine and sixty.
13	An Act respecting the Court of Error and Appeal.	The whole
15	An Act respecting County Courts.	The whole
16	An Act respecting the Surrogate Courts.	The whole, except sections seventy-four, seventy-five, seventy-six and eighty-two.
17	An Act relating to the Court of General Quarter Sessions of the Peace.	The whole
19	An Act respecting the Division Courts.	The whole, except section one hundred and fifty-nine.
20	An Act respecting the Duties of County Attorneys in regard to the General Fee Fund of Local Courts.	The whole
21	An Act respecting the Practice and Procedure in Suits instituted on behalf of the Crown in matters relating to the Revenue and the Repeal of Letters Patent.	The whole
22	An Act to Regulate the Procedure of the Superior Courts of Common Law and of the County Courts.	The whole
23	An Act respecting Writs of Mandamus and Injunction.	The whole
24	An Act respecting Arrest and Imprisonment for Debt.	The whole
25	An Act respecting Absconding Debtors.	The whole
26	An Act respecting Relief of Insolvent Debtors.	The whole
27	An Act respecting Ejectment.	The whole
29	An Act relating to Replevin.	The whole
30	An Act respecting Interpleading.	The whole
31	An Act respecting Jurors and Juries.	The whole
32	An Act respecting Witnesses and Evidence.	The whole
33	An Act respecting the Law Society of Upper Canada.	The whole except section six (but not including in such exception the Schedule to section six, and except sections nine, ten and eleven.
34	An Act respecting Barristers-at-Law.	The whole except the second subsection to section one.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
35	An Act respecting Attorneys-at-Law.	The whole, except section one so far as it relates to the persons who may practice in Courts of Bankruptcy and Insolvency, the second sub-section to section two, and sections twenty-three and twenty-four.
37	An Act respecting the Appointment of Local Crown Attorneys.	The whole
39	An Act respecting the Appointment of Commissioners to take Affidavits and Bail.	The whole
42	An Act respecting Bills of Exchange and Promissory Notes.	The whole
43	An Act respecting Interest.	The whole
44	An Act respecting Written Promises and Acknowledgments of Liability.	The whole
45	An Act respecting Mortgages and Sales of Personal Property.	The whole
46	An Act relating to Ferries.	The whole
47	An Act respecting Rivers and Streams.	The whole
48	An Act respecting Mills and Mill Dams.	The whole except section fifteen.
49	An Act respecting Joint Stock Companies for the construction of Roads and other Works in Upper Canada.	The whole
50	An Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks, and Harbours.	The whole
51	An Act for the promotion of Agriculture in Upper Canada.	The whole
53	An Act respecting Building Societies.	The whole
54	An Act respecting the Municipal Institutions of Upper Canada.	The whole
56	An Act to regulate Travelling on Public Highways.	The whole
60	An Act to encourage the destroying of Wolves.	The whole
62	An Act respecting the University of Toronto, University College and Upper Canada College and Royal Grammar School.	The whole
65	An Act respecting Separate Schools.	The whole
66	An Act respecting Tithes in Upper Canada.	The whole
67	An Act respecting companies for the establishment of Cemeteries in Upper Canada.	The whole
68	An Act respecting conveyances to Trustees for Burial places.	The whole
72	An Act respecting Marriages in Upper Canada.	The whole
73	An Act respecting certain separate rights of property of Married Women.	The whole
74	An Act respecting the appointment of Guardians and the Custody of Infants.	The whole
75	An Act respecting Master and Servant.	The whole
76	An Act respecting Apprentices and Minors.	The whole except sections nine and ten.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
77	An Act respecting the action of Seduction and the support of Illegitimate children.	The whole
78	An Act respecting remedies for and against Executors and Administrators, and respecting the limitation of certain actions.	The whole
80	An Act respecting claims to Land in Upper Canada for which no Patents have issued.	The whole
81	An Act to prevent trespasses to Public and Indian lands.	The whole
82	An Act respecting Real Property.	The whole
83	An Act respecting the Assurance of Estates Tail.	The whole
84	An Act respecting Dower.	The whole
85	An Act respecting the conveyance of Real Estate by Married Women.	The whole
87	An Act respecting Mortgages of Real Estate.	The whole
88	An Act respecting the Limitation of actions and suits relating to Real Property and the time of prescription in certain cases.	The whole except section twenty-six.
90	An Act respecting the Transfer of Real Property and the liability of certain interests therein to execution.	The whole
91	An Act respecting Short Forms of Conveyances.	The whole
92	An Act respecting Short Forms of Leases.	The whole
93	An Act respecting the Survey of Land in Upper Canada.	The whole
101	An Act respecting Forgery and Perjury in certain cases.	Section two
103	An Act respecting Slander and Libel.	The whole
104	An Act to prevent the profanation of the Lord's Day in Upper Canada.	The whole
106	An Act respecting County Attorneys.	The whole
111	An Act respecting Amendments at Trial.	The whole
117	An Act respecting Estreats.	The whole
118	An Act respecting the Appropriation of Fines in certain cases.	The whole
119	An Act respecting the Fees of Counsel and other ministers of Justice.	The whole
120	An Act respecting the Expenses of the Administration of Justice in Criminal matters in Upper Canada.	The whole
121	An Act respecting the Expenditure of County Funds for certain purposes within Upper Canada.	The whole
122	An Act respecting the support of Insane Destitute persons.	The whole
123	An Act respecting the costs of levying distresses for small rents and penalties.	The whole
124	An Act respecting the Return of Convictions and Fines by Justices of the Peace and of Fines levied by Sheriffs.	The whole
125	An Act respecting Inquests by Coroners.	The whole
126	An Act to protect Justices of the Peace and other officers from vexatious actions.	The whole
127	An Act respecting Court Houses, Gaols and Houses of Correction.	The whole
128	An Act respecting the Administration of Justice in Unorganized Tracts.	The whole

## 23 VICT.—1860.

1	An Act to amend the Act respecting the Representation of the People in the Legislative Assembly.	The whole
2	An Act respecting the Sale and Management of the Public Lands.	The whole
6	An Act to prevent the unlicensed sale of Intoxicating Liquors in unorganized tracts.	The whole
8	An Act to amend the chapter seventeen of the Consolidated Statutes of Upper Canada as regards the appointment of Constables.	The whole



Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
16	An Act to amend the Members Indemnity clauses of the Act forming chapter three of the Consolidated Statutes of Canada.	The whole
23	An Act respecting the Boards of Arts and Manufactures.	The whole
24	An Act respecting Foreign Judgments and Decrees.	The whole
25	An Act to exempt certain articles from seizure in satisfaction of debts.	The whole
29	An Act in amendment of the Railway Act.	The whole
32	An Act to extend to Parish and Township Municipalities the Acts authorizing the establishment of Joint Stock Gas and Water Companies.	The whole, except section two.
35	An Act to extend the Act respecting the investigation of Accidents by Fire to the country parts.	The whole
39	An Act to amend "An Act respecting the Territorial Division of Upper Canada."	The whole
40	An Act to amend the Act respecting the Representation of the people in the Legislative Assembly and "An Act respecting the Territorial Division of Upper Canada."	The whole
42	An Act to repeal certain provisions of the Common Law Procedure Act.	The whole
43	An Act to extend the jurisdiction of the County Courts.	The whole
44	An Act to regulate the removal of causes from County Courts.	The whole
45	An Act to amend the Law of Replevin in Upper Canada.	The whole
46	An Act to amend "An Act respecting the Law Society of Upper Canada."	The whole
47	An Act to amend "An Act respecting Barristers-at-Law."	The whole
48	An Act to amend "An Act respecting Attorneys-at-Law."	The whole
53	An Act to diminish the number of licenses issued for the sale of Intoxicating Liquors by retail.	The whole
54	An Act to amend chapter forty-nine of the Consolidated Statutes for Upper Canada respecting Joint Stock Road Companies.	The whole

## 24 VICT.—1861.

17	An Act to explain and amend the Railway Act.	The whole
18	The Joint Stock Companies General Clauses Consolidation Act.	The whole
23	An Act to amend chapter fifty four of the Consolidated Statutes of Canada intituled "An Act respecting Incorporated Banks."	The whole
24	An Act to provide for the more general adoption of the practice of Vaccination.	The whole
27	An Act to amend the Act twenty-third Victoria, chapter twenty-five and chapter eighty-five of the Consolidated Statutes for Lower Canada as respects the exemption of certain articles from seizure.	The whole
33	An Act to amend the Act respecting the investigation into Accidents by Fire.	The whole
37	An Act further to amend the Act respecting the Municipal Institutions of Upper Canada.	The whole
39	An Act to extend the application of certain sections of the Act respecting the Municipal Institutions of Upper Canada.	The whole
41	An Act to repeal the Laws relating to the Registration of Judgments in Upper Canada.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
48	An Act to amend the Act relating to Constables.	The whole
49	An Act respecting Maps or Plans of Towns or Villages in Upper Canada.	The whole

## 25 VICT.—1862,

6	An Act to amend the Act respecting the Provincial duty on Tavern Licenses.	The whole
18	An Act respecting the Court of Error and Appeal in Upper Canada.	The whole
19	An Act to repeal the Act twenty-third Victoria, chapter fifty, and to amend "An Act respecting the Municipal Institutions of Upper Canada" so far as relates to Recorders Courts.	The whole
20	An Act to amend the law relating to the limitation of actions and suits in Upper Canada.	The whole
23	An Act to amend the Act respecting the Municipal Institutions of Upper Canada as to the issue of Shop and Tavern Licenses in Cities.	The whole

## 26 VICT.—1863,

4	An Act respecting the Sureties of Public officers on the separation of United Counties and Townships.	The whole
5	An Act to restore to Roman Catholics in Upper Canada certain rights in respect to Separate Schools.	The whole
9	An Act to remove doubts as to the representation in the Legislative Council of the Townships of Osgoode and Gloucester in the County of Carleton.	The whole
42	An Act to amend the law as respects persons dying in any Provincial Lunatic Asylum.	The whole
44	An Act to amend the Consolidated Act of Upper Canada intituled "An Act respecting Jurors and Juries."	The whole
45	An Act to amend the Laws of Upper Canada affecting Trade and Commerce.	The whole
46	An Act to amend chapter forty-five of the Consolidated Statutes for Upper Canada respecting Mortgages and Sales of personal property.	Section one.

## 27 VICT.—1863,

3	An Act respecting the Volunteer Militia Force.	Section twenty.
13	An Act to amend the Common Law Procedure Act of Upper Canada.	The whole
14	An Act to amend the Act respecting County Courts in Upper Canada.	The whole
15	An Act respecting Sales of land under Execution against Executors and Administrators.	Section one.
16	An Act to extend the provisions of the two hundred and seventy-fifth section of the Act respecting the Municipal Institutions of	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
	Upper Canada and to provide for the Election of Councillors in the several Townships of Upper Canada whenever the same may be divided into Electoral Divisions under the authority of the said section.	
17	An Act to enable Municipal Corporations in Upper Canada to invest their surplus Clergy Reserve money for Educational purposes in certain securities, and to legalize such investments already made and for other purposes.	The whole except section two.
18	An Act relative to Summary Convictions under Municipal By-laws in Upper Canada.	The whole
20	An Act for the protection of Sheep in Upper Canada.	The whole

## 27-8 VICT.—1864.

5	An Act for the collection, by means of Stamps, of Fees of office, dues and duties payable to the Crown upon Law proceedings and Registrations.	The whole
7	An Act to authorize the acceptance of certain incorporated Companies as Sureties for Public officers.	The whole
18	"The Temperance Act of 1864."	The whole
22	An Act to amend the Act respecting the practice of Physic, Surgery and the Study of Anatomy.	The whole
25	An Act to amend section forty-one of chapter twenty-four of the Consolidated Statutes for Upper Canada.	The whole
26	An Act to amend the Act respecting the Surrogate Courts.	The whole
27	An Act to amend chapter nineteen of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Division Courts."	The whole
28	An Act to repeal chapter thirty-eight of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the office of Sheriff, and to make further provisions respecting the said office in Upper Canada."	The whole
29	An Act to amend the third section of the eighty-eighth chapter of the Consolidated Statutes for Upper Canada.	The whole
31	An Act respecting Short Forms of Mortgages in Upper Canada.	The whole
33	An Act to amend the Act relating to the Court of General Quarter Sessions of the Peace.	The whole
34	An Act to extend the jurisdiction of Police Magistrates in Towns in Upper Canada.	The whole
35	An Act relating to Justices of the Peace in Quarter Sessions in Provisional Judicial Districts in Upper Canada.	The whole
36	An Act to compel Informers suing for Penalties in certain cases to give security for costs.	The whole
37	An Act to amend chapter fifty-four of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the Municipal Institutions of Upper Canada."	The whole

## 28 VICT.—1865.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
8	An Act to define the right of property in Swarms of Bees, and to exempt them from seizure in certain cases.	The whole
17	An Act to amend the Consolidated Statute respecting the Court of Chancery.	The whole
18	An Act to improve the proceedings in Prohibition and on Writs of Mandamus in Upper Canada.	The whole
19	An Act to amend and extend the provisions of chapter thirty of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Interpleading."	The whole
21	An Act to amend the Act respecting Attorneys.	The whole
22	An Act for the punishment of persons selling Liquor without License, and for other purposes mentioned therein.	The whole

## 29 VICT.—1865.

1	An Act to amend the Act intituled "An Act containing special provisions concerning both Houses of Parliament."	The whole
12	An Act in reference to the Qualification of Justices of the Peace.	The whole except section two.
16	An Act to enable Aliens to transmit and take real property in this Province by descent.	The whole
17	An Act to secure to Wives and Children the benefit of Assurances on the Lives of their Husbands and Parents.	The whole
19	An Act granting additional facilities in Commercial Transactions.	The whole
22	An Act to authorize the formation of Companies or Co-operative Associations for the purpose of carrying on in common any trade or business.	The whole
24	An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada.	The whole
25	An Act for Quieting Titles to Real Estate in Upper Canada.	The whole
27	An Act to amend the Act respecting Short Forms of Mortgages in Upper Canada.	The whole
28	An Act to amend the Law of Property and Trusts in Upper Canada.	The whole
30	An Act to amend the Act intituled "An Act respecting County Courts."	The whole
31	An Act to amend chapter nineteen of the Consolidate Statutes for Upper Canada respecting the Division Courts.	The whole
32	An Act to regulate the costs of Arbitrations in Upper Canada.	The whole
33	An Act to amend chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Master and Servant."	The whole
36	An Act to amend and extend the provisions of the Act respecting Joint-Stock Road Companies in Upper Canada.	The whole
38	An Act to make further provisions for the management of Permanent Building Societies in Upper Canada.	The whole
40	An Act to prevent the spreading of Canada Thistles.	The whole



## 29-30 VICT.—1866.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
21	An Act to amend the Act twenty-ninth Victoria, chapter seven, respecting Works connected with the Defence of the Province.	The whole
22	An Act to regulate the means of egress from Public Buildings.	The whole
39	An Act respecting the hearing of causes in the Court of Chancery for Upper Canada.	The whole
40	An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada.	The whole
41	An Act to amend the Law of Crown and Criminal Procedure and Evidence at the Trial in Upper Canada.	The whole
42	An Act to amend the Common Law Procedure Act of Upper Canada.	The whole
43	An Act to amend the Law of Upper Canada relating to Crown Debtors.	The whole
45	An Act for more effectually securing the Liberty of the Subject.	The whole
46	An Act to amend the Law in respect of View by Jurors in Upper Canada.	The whole
47	An Act to amend the Law respecting the appointment of Recorders in Upper Canada.	The whole
48	An Act to amend chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the Administration of Justice in Unorganized Tracts."	The whole
49	An Act to amend the Law respecting Attorneys-at-Law.	The whole
51	An Act respecting the Municipal Institutions of Upper Canada.	The whole
52	An Act to amend the Act of the present Session, intituled "An Act respecting the Municipal Institutions of Upper Canada."	The whole

## ACTS OF ONTARIO.

## 31 VICT.—1867-8.

1	An Act respecting the Statutes.	The whole
2	An Act respecting the office of Speaker of the Legislative Assembly.	The whole
3	An Act to establish a Consolidated Revenue Fund for the Province of Ontario.	The whole
6	An Act to repeal chapter thirte n of the Consolidated Statutes of Canada so far as the same relates to Ontario; to authorize the publication of an <i>Ontario Gazette</i> and to make provision for inquiries concerning public matters and official notices.	The whole
7	An Act to repeal chapter one hundred and ten of the Consolidated Statutes of the late Province of Canada intituled "An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada and of all Common Gaols and other Prisons," so far as relates to the Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons, except the Provincial Penitentiary, in this Province, and to the Inspector of such Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
8	An Act to secure Free Grants and Homesteads to actual settlers on the Public Lands.	The whole
9	An Act respecting Voluntary Conveyances.	The whole
10	An Act to amend the Act 29th Vic. cap. 24 entitled "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada."	The whole
11	An Act to remove doubts as to the authority of certain Commissioners to take Affidavits and Bail.	The whole
12	An Act for the better protection of Game in the Province of Ontario.	The whole
18	An Act respecting the appointment of Magistrates and Coroners.	The whole
20	The Registration of Titles (Ontario) Act.	The whole except section fifty-five.
21	The Prison and Asylum Inspection Act, 1868.	The whole
23	The Attorneys Act, 1868.	The whole except sections three, four and five.
24	An Act to amend the Common Law Procedure Act.	The whole
25	An Act as to Executions against Goods and Lands.	The whole
26	An Act respecting Overholding Tenants.	The whole
27	The Purchases of Reversions Act, 1868.	The whole
28	The Auctions of Estates Act, 1868.	The whole
29	An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.	The whole
30	An Act to amend the Municipal Institutions Act, of Upper Canada, twenty-nine and thirty Victoria, chapters fifty-one and fifty-two.	The whole
31	An Act to amend the Acts respecting Joint Stock Companies for the construction of Roads and other Works in Upper Canada.	The whole
33	An Act to protect Butter and Cheese Manufacturers.	The whole
34	An Act to authorize and regulate the use of Traction Engines on Highways.	The whole
35	An Act to provide for the organization of the Territorial District of Muskoka.	The whole
36	An Act to impose a tax upon all patented lands situate in the Provisional District of Algoma, and to provide means for the collection thereof.	The whole
37	An Act respecting Dentistry.	The whole

## 32 VICT.—1868-9.

2	An Act for continuing the Legislative Assembly of Ontario in case of the demise of the Crown.	The whole
4	An Act to secure the Independence of the Legislative Assembly.	The whole
5	An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of the Legislative Assembly.	The whole
6	The Law Reform Act of 1868.	The whole except section twenty-four
7	An Act to alter the law of Dower, and to regulate proceedings in actions for the recovery of Dower in Upper Canada.	The whole
8	An Act to amend the law of Wills.	The whole
9	An Act to amend the Registry Act, and to further provide as to the certificates of Married Women touching their consent as to the execution of deeds of conveyance.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
10 An	Act to make better provision for dealing by Executors and Administrators with Mortgages.	The whole
11 An	Act to amend chapter one hundred and nineteen of the Consolidated Statutes for Upper Canada, so far as it relates to Fees to Sheriffs.	The whole
12 An	Act to amend chapter twelve of the Statutes of Ontario, entitled "An Act for the better protection of Game in the Province of Ontario."	The whole
18 An	Act to amend the Law as to Costs in suits for Alimony.	The whole
19 An	Act further to amend the Act chapter thirty-five of the Consolidated Statutes for Upper Canada, entitled "An Act respecting Attorneys at Law."	The whole
20 An	Act to amend the Free Grants and Homesteads Act of 1868.	The whole
21 An	Act respecting Elections of Members of the Legislative Assembly.	The whole
22 An	Act to amend chapter fifteen of the Consolidated Statutes of Upper Canada, entitled "An Act respecting County Courts.	The whole
23 An	Act to amend the Acts respecting Division Courts.	The whole
24 An	Act respecting the Court of Error and Appeal in the Province of Ontario.	The whole
25 An	Act to amend the Act passed in the twenty-seventh and twenty-eighth Victoria, chapter twenty-eight, entitled "An Act respecting the office of Sheriff, and to make further provision respecting the said office."	The whole
27 An	Act to repeal and amend certain Acts and enactments herein mentioned.	The whole except sections six and seven
28 An	Act respecting the Public Works of Ontario.	The whole
29 An	Act respecting the security to be given by officers of Ontario.	The whole
31 An	Act to amend the Act imposing a Tax on Dogs, and for the protection of Sheep.	The whole
33 An	Act respecting the Partition and Sale of Real Estate in the Province of Ontario.	The whole
34 An	Act relative to Mining.	The whole
36	The Assessment Act of 1869.	The whole
37 An	Act to confer certain powers on Trustees and Executors.	The whole
38 An	Act to amend the Act entitled "An Act respecting the Survey of lands in Upper Canada," now the Province of Ontario.	The whole
40 An	Act to exempt certain articles from Toll.	The whole
41 An	Act to amend the Act chapter forty, twenty-nine Victoria, entitled "An Act to prevent the spreading of Canada Thistles in Upper Canada."	The whole
42 An	Act to amend an Act of the late Province of Canada, entitled "An Act for the collection by means of Stamps of Fees of office, Dues and Duties payable to the Crown upon Law proceedings and Registrations."	The whole
43 An	Act to amend the Municipal Institutions Act of Upper Canada.	The whole
44 An	Act to amend the Act respecting Common Schools in Upper Canada.	The whole
47 An	Act to amend the Act thirty-one Victoria, chapter twenty-nine, entitled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.	The whole
49 An	Act to make further provisions relating to the Territorial District of Muskoka.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
33 VICT. 1869.		
3	The Members Indemnity Act.	The whole
4	An Act to amend an Act passed in the Session held in the thirty-second year of the reign of Her Majesty, intituled "An Act respecting elections of Members of the Legislative Assembly."	
5	An Act to remunerate certain Members of the Court of Error and Appeal.	The whole
6	An Act respecting the appointment of Notaries Public.	The whole except section three.
7	An Act to make further provisions for carrying out the Act, intituled "The Law Reform Act of 1868," and to regulate proceedings on Writs of Error and Certiorari.	The whole
8	An Act to amend sub-sections two and three of section nine, of the Act passed in the thirty-second year of Her Majesty Queen Victoria, chaptered six, entitled "The Law Reform Act of 1868," and to repeal section two of chapter one hundred and twenty-one of the Consolidated Statutes for Upper Canada.	The whole
9	An Act respecting Law Fees and Trust Funds.	The whole except section three.
10	An Act to remunerate Sheriffs, Clerks of the Peace, and County Attorneys, for services rendered in the County Judges' Criminal Court.	The whole
11	An Act respecting proceedings in Judges' Chambers at Common Law.	The whole
12	An Act to amend an Act passed in the Session held in the thirty-second year of the reign of Her Majesty, intituled "An Act to amend chapter fifteen of the Consolidated Statutes of Upper Canada, intituled "An Act respecting County Courts."	The whole
13	An Act to amend the law of Evidence in Civil causes.	The whole
14	An Act to allow certain persons to make a Solemn Affirmation and declaration instead of an oath.	The whole
15	An Act to repeal sub-section one of section one hundred and fifty-five of chapter thirty-one of the Consolidated Statutes of Upper Canada respecting Jurors and Juries, and to make other provisions in lieu thereof.	The whole
16	An Act to amend section seventy-eight of chapter thirty-one of the Consolidated Statutes of Upper Canada.	The whole
17	An Act to amend and extend the provisions of the Act, chapter thirty of the Consolidated Statutes for Upper Canada respecting interpleading.	The whole
18	An Act to amend the law respecting the powers of Executors and Administrators.	The whole
19	An Act to amend the law relating to Bills of Lading.	The whole
20	Registration of Copartnerships' Act, 1869.	The whole
21	An Act to amend the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, entitled "An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents.	The whole
23	An Act concerning Sheriff's Sales for Taxes.	The whole except sections one, two, three and four.



Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
24	An Act to provide for the organization of the Territorial District of Parry Sound.	The whole
25	An Act to establish Municipal Institutions in the District of Algoma.	The whole
26	An Act to amend the Act chaptered fifty-one, passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her Majesty; the Act of the Province of Ontario chaptered thirty; and the Act of the said Province chaptered forty-three, passed in the thirty-second year of Her Majesty's reign.	The whole
27	An Act to amend chapter thirty-six of the Statutes of Ontario, entitled "An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario," passed in the thirty-second year of the reign of Her Majesty.	The whole

## 34 VICT.—1870-1.

2	An Act in Aid of Railways.	The whole
3	The Controverted Elections Act of 1871.	The whole
4	An Act to provide for the organization of the Territorial District of Thunder Bay.	The whole
5	An Act to encourage settlement in the Free Grant Territory.	The whole
6	An Act relative to unpatented Lands sold for Taxes.	The whole
8	An Act to alter the names of the Superior Courts in Ontario.	The whole
9	An Act to facilitate the business of the Superior Courts.	The whole
10	An Act respecting the Court of Chancery.	The whole except section nine.
11	An Act to amend the Act intituled "An Act respecting the Court of Error and Appeal," and to amend the Act intituled "An Act for Quieting Titles to real estate in Upper Canada."	The whole
12	An Act to amend the Act to regulate the Procedure of the Superior Courts of Common Law and of the County Courts.	The whole
14	An Act respecting Affidavits, Declarations, and Affirmations made out of the Province of Ontario for use therein.	The whole
15	An Act to make the Members of the Law Society of Ontario elective by the Bar thereof.	The whole
16	An Act respecting Commissioners of Police.	The whole
17	An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.	The whole
18	An Act respecting Asylums for the Insane.	The whole
19	An Act relative to Government Road allowances, and granting of Crown Timber Licenses therefor.	The whole
20	An Act relative to arrears due upon Crown Clergy and Grammar School lands, sold previously to 1st July, 1867.	The whole
21	An Act to facilitate the establishment of Public Fairs, and to provide for the regulation thereof.	The whole
23	An Act to amend the Agricultural and Arts Act.	The whole
24	An Act to amend chapter eighty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the Conveyance of Real Estate by Married Women," and the Act passed in the thirty-second year of Her Majesty, chaptered nine, intituled "An Act to amend the Registry Act, and to further provide as to Certificates of Married Women, touching their consent as to the Execution of Deeds of Conveyance."	The whole
25	An Act respecting the establishment of Registry Offices in Ridings, and to amend the Registration of Titles (Ontario) Act.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
26	An Act to amend the Act intituled "An Act respecting Registrars, Registry Offices and the Registration of Instruments relating to lands in Ontario."	The whole
28	An Act to amend the Assessment Act of Ontario, passed in the thirty-second year of the reign of Her Majesty, chaptered thirty-six.	The whole
29	An Act to amend the Act passed in the thirty-second year of Her Majesty, chaptered six, and to alter the times for Auditing County Accounts by the Board of Audit.	The whole
30	An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."	The whole
31	An Act to encourage the planting of Trees upon the Highways in this Province, and to give a right of property in such Trees to the owners of the soil adjacent to such Highways.	The whole
34	The Pharmacy Act of 1871.	The whole
35	An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty, chaptered twelve, intituled "An Act for the better Protection of Game in the Province of Ontario."	The whole

## 35 VICT.—1871-2.

2	An Act to make further provision touching the Election of Members to the Legislative Assembly.	The whole
3	An Act further to secure the Independence of the Legislative Assembly.	The whole
4	An Act to render Members of the House of Commons ineligible as Members of the Legislative Assembly of Ontario.	The whole
5	An Act to allow matters to be proved under oath for the purposes of the Legislative Assembly.	The whole
6	An Act respecting the Law Society of Ontario.	The whole
7	An Act to amend the Act respecting County Attorneys.	The whole
8	An Act to empower all persons to appear on behalf of others in the Division Courts in the Province of Ontario.	The whole
9	An Act to amend an Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two, respecting County Courts.	The whole
10	An Act to amend the Act of the Province of Ontario, respecting the Superior and County Courts, passed in the thirty-fourth year of Her Majesty's reign, and chaptered twelve, and to declare the true meaning of section sixteen of the said Act.	The whole
11	An Act to declare the true construction of the Act passed in the thirteenth year of the reign of Queen Elizabeth, and chaptered five, and intituled "An Act against fraudulent Deeds, Alienations, &c."	The whole
12	An Act to make Debts and Choses in Action assignable at Law.	The whole
13	An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown suits.	The whole
14	An Act to amend the Law respecting the issue of the Prerogative Writ of Mandamus.	The whole
15	An Act further to amend the Law relating to Property and Trusts.	The whole
16	An Act to extend the Rights of Property of Married Women.	The whole
17	An Act to amend the Act respecting Apprentices and Minors.	The whole
18	An Act to further provide for the Registration of Copartnerships and of other Business Firms.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
19	An Act to amend "The Law Reform Act of 1868."	The whole
20	An Act to make provision for payment of Law Fees in Territorial and Judicial Districts, by means of Stamps, and to amend the Act respecting Law Fees and Trust Funds.	Sections one and two
21	An Act to provide for the remission of sums due to the Crown by Settlers in certain Free Grant Townships.	The whole
22	An Act relative to Arrears due upon Common School Lands sold previously to 1st July, 1867.	The whole
23	An Act to make further provision touching the Appropriation of the Railway Fund.	The whole
24	An Act to make further provision in Aid of Railways.	The whole
25	An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways, and to amend the Railway Act of the late Province of Canada.	The whole
27	An Act to amend the Law as to the Fees of Registrars.	The whole
28	An Act to amend an Act intituled "An Act respecting the establishment of Registry Offices in Ridings, and to amend 'The Registration of Titles (Ontario) Act.'"	The whole
29	An Act to amend chapter twenty of the Acts passed in the thirty-first year of Her Majesty's reign, intituled "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Ontario."	The whole
31	An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada, intituled "An Act respecting Land Surveyors and the Survey of Lands."	The whole
32	An Act to amend an Act of the Province of Ontario, intituled "An Act to amend the Agricultural and Arts Act."	The whole
33	An Act to amend the Acts respecting Joint Stock Road Companies for the Construction of Roads and other Works.	The whole
34	An Act to amend the Act intituled "An Act respecting Dentistry."	The whole
36	An Act for the Prevention of Corrupt Practices at Municipal Elections.	The whole
37	An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay.	The whole
38	An Act to consolidate and amend the Laws for Protection of Game and Fur-bearing Animals in Ontario.	The whole
39	An Act to provide for the Filling up of or otherwise Shutting off the Water flowing into Abandoned Oil Wells.	The whole
77	An Act to amend the Municipal Institutions Act of Upper Canada, so far as the same relates to the Corporation of the City of Toronto.	The whole
116	An Act to amend an Act respecting Companies for the establishment of Cemeteries in Upper Canada.	The whole

## 36 VICT.—1873.

2	An Act to amend the Law respecting Elections of Members of the Legislative Assembly, and respecting the Trial of such Elections.	The whole
3	An Act respecting the Appointment of Queen's Counsel.	The whole
4	An Act to regulate the Precedence of the Bar of Ontario.	The whole
5	An Act respecting Commissioners for taking Affidavits.	The whole except section two.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
6	An Act respecting Official Securities and the Registration of Instruments creating Obligations to the Crown.	The whole
7	An Act further to amend the Act intituled "An Act respecting the Court of Appeal."	The whole
8	An Act for the Better Administration of Justice in the Courts of Ontario.	The whole
9	An Act to amend "The Common Law Procedure Act."	The whole
10	An Act to amend the Law of Evidence.	The whole
11	An Act to Facilitate the Proof of Telegraph Messages, Letters, and other Written Instruments.	The whole
12	An Act with reference to Evidence and Witnesses before Arbitrators.	The whole
13	An Act to amend the Upper Canada Jurors' Act, so as to provide for the Payment of Special Jurors.	The whole
14	An Act to provide for the Recovery of Costs in Undefended Actions of Ejectment.	The whole
15	An Act to amend the Law respecting Stamps on Law Proceedings and Registrations.	The whole
16	An Act to amend the Act respecting Partition of Real Estate.	The whole
17	An Act to further amend the "Registration of Titles (Ontario) Act."	The whole
18	An Act to Facilitate the Conveyance of Real Estate by Married Women.	The whole
19	An Act further to amend the Act intituled "An Act to secure to Wives and Children the benefit of Assurances on the Lives of their Husbands and Parents."	The whole
20	An Act to consolidate and amend the Law as to Wills.	The whole
21	An Act respecting the Administration of Estates of Intestates in which the Crown is interested.	The whole
22	An Act for the Protection of Persons Improving Land under a Mistake of Title.	The whole
23	An Act to amend the Acts respecting the Registration of Copartnerships, and of other Business Firms.	The whole
24	An Act to amend the Act respecting Master and Servant.	The whole
25	An Act to Facilitate Agreements between Masters and Workmen for Participation in Profits.	The whole
26	An Act to Facilitate the Adjustment of Disputes between Masters and Workmen.	The whole
27	An Act to establish Liens in favour of Mechanics.	The whole
29	An Act respecting the University of Toronto.	The whole
30	An Act to establish a School of Practical Science.	The whole
31	An Act to make further provision as to the Custody of Insane Persons.	The whole
32	An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind in the Province of Ontario.	The whole
35	An Act to provide for the incorporation of Immigration Aid Societies in the Province of Ontario.	The whole
36	An Act to amend the Agricultural and Arts Act.	The whole
37	An Act further to amend the Agricultural and Arts Act.	The whole
38	An Act to authorize a further expenditure of Public Money for Drainage Works.	The whole
39	An Act to authorize the investment of certain Moneys in Debentures to be issued for the construction of Drainage Works by Municipalities.	The whole
40	An Act for the improvement of Water Privileges.	The whole
41	An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered thirty-one, in reference to Joint Stock Road Companies.	The whole
42	An Act further to amend the Act passed in the thirty-first year of Her Majesty, Queen Victoria, chaptered thirty-one, in reference to Joint Stock Road Companies.	The whole



Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
43	An Act respecting the Public Health.	The whole
44	An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.	The whole
45	An Act for the protection in Ontario of Insectivorous and other Birds beneficial to Agriculture.	The whole
46	An Act to provide for the making of double tracks in snow Roads.	The whole
48	An Act respecting Municipal Institutions in the Province of Ontario.	The whole
49	An Act to organize the Municipality of the District of Muskoka, for certain purposes.	Section eleven
50	An Act to organize the Municipality of Shuniah, and to amend the Acts for establishing Municipal Institutions in unorganized districts.	Sections twenty-eight to thirty-one inclusive.
135	An Act respecting the property of Religious Institutions in the Province of Ontario.	The whole

## 37 VICT.—1874.

2	An Act respecting the Executive Council.	The whole
3	An Act to extend the Elective Franchise.	The whole
5	The Ballot Act of 1874.	The whole
6	An Act respecting the Solemnization of Marriages.	The whole except section one.
7	The Administration of Justice Act 1874.	The whole except section ninety-three
9	An Act to provide for allowances to Trustees, Executors and Administrators.	The whole
10	An Act to amend the law of Landlord and Tenant, and to provide for the Apportionment of Rent.	The whole
11	An Act to amend the Law respecting the Rights and Liabilities of Innkeepers.	The whole
12	An Act to require the owners of Thrashing and other Machines, to guard against accidents.	The whole
13	An Act to amend the Law relating to the Attachment of Debts as respects the Wages and Salaries of Mechanics and others.	The whole
14	An Act to declare of what Lunatics the Inspector of Public Asylums is the Committee.	The whole
16	An Act to amend An Act respecting Municipal Institutions in the Province of Ontario.	The whole
17	An Act to amend the Act intituled "An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay."	The whole except section eleven
18	An Act to provide for the better Government of that part of Ontario situated in the vicinity of the Falls of Niagara.	The whole
19	An Act to amend the Assessment Law.	The whole
20	An Act respecting Municipal Drainage By-laws.	The whole
21	An Act respecting the Act, intituled "An Act to encourage settlement in the Free Grant Territory."	The whole
22	An Act to provide for the Remission of sums due to the Crown by Settlers in the Free Grant Townships of Alice, Grattan, Wilberforce and Minden.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
24	An Act to amend certain Acts relating to Joint Stock Road Companies.	The whole
25	An Act respecting Line Fences.	The whole
26	An Act to amend the Act, entitled "An Act respecting the Public Works of Ontario."	The whole
27	An Act to amend and Consolidate the Law relating to the Council of Public Instruction, the Normal Schools, Collegiate Institutes and High Schools.	The whole
28	An Act to amend and Consolidate the Public School Law.	The whole
29	An Act respecting Industrial Schools.	The whole
30	"The Ontario Medical Act."	The whole
31	An Act respecting Public Aid towards making Gaol additions and alterations.	The whole
32	An Act to amend and consolidate the Law for the sale of Fermented or Spirituous Liquors.	The whole
33	An Act to regulate public aid to charitable Institutions.	The whole
34	An Act respecting Benevolent, Provident and other Societies.	The whole
35	The Ontario Joint Stock Companies Letters Patent Act, 1874.	The whole except section fifty-nine.
36	An Act to provide for the Inspection of Railways.	The whole
37	An Act respecting the Railway Fund and the Railway Subsidy Fund.	The whole
65	An Act to incorporate the Municipality of Haliburton and to provide for its becoming a Provisional County.	The whole except section twenty-six.

## 38 VICT.—1874.

2	An Act to re-adjust the Representation in the Legislative Assembly.	The whole
3	An Act to further amend the Laws affecting Elections of Members of the Legislative Assembly and the trial of such Elections.	The whole
4	An Act respecting the operation of Statutes of Ontario.	The whole except section two.
5	An Act respecting the Boundary between the Provinces of Ontario and Quebec.	The whole
6	An Act respecting the Northerly and Westerly Boundaries of the Province of Ontario.	The whole
7	An Act respecting the Judicial Officers to whom Estate Bills made be referred.	The whole
8	An Act respecting Marriages and Licenses and certificates to marry.	The whole except section six.
9	An Act respecting Terms in the Courts of Queen's Bench and Common Pleas.	The whole
11	An Act respecting procedure on Appeals to the Judge of a County Court from Summary Convictions.	The whole
12	An Act to amend the Act respecting Division Courts.	The whole
13	An Act to make further provision for Courts in unorganized Districts and respecting Municipalities therein.	The whole
14	An Act to amend the Upper Canada Jurors Act.	The whole
15	An Act respecting Railway Arbitrations.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
16	The Real Property Limitation Amendment Act, 1874	The whole, subject to the provisions of section 16 (Rev. Stat. c. 108, s. 3.)
17	An Act to amend the Registration of Titles (Ontario) Act.	The whole
18	An Act respecting Personal Estates of small value.	The whole
19	An Act respecting Apprentices and Minors.	The whole
20	An Act to amend the Mechanics' Lien Act of 1873.	The whole
21	An Act to amend the Act respecting Benevolent, Provident and other Societies.	The whole
22	An Act respecting Official Securities given for the protection of private persons.	The whole
23	An Act to make further provision respecting Letters Patent to Joint Stock Companies.	The whole.
24	An Act respecting the Central Prison.	The whole
25	An Act to amend The Ontario Drainage Act of 1873.	The whole
26	An Act respecting Ditching Water-courses.	The whole
27	An Act to amend the Act respecting the Improvement of Water Privileges.	The whole
28	An Act to provide for voting by Ballot at Municipal Elections.	The whole
30	An Act to continue and extend the Act to provide for the better Government of that part of Ontario situated in the vicinity of the Falls of Niagara.	The whole
65	An Act to amend the Laws relating to Fire Insurances.	The whole

## 39 VICT. 1875-6.

1	An Act to amend and repeal certain enactments of the last Session of the Legislature of this Province.	Sections one, two and four.
2	An Act to provide for the Registration of Births, Marriages and Deaths.	The whole
3	An Act with respect to the place of solemnizing Marriages.	The whole except section three.
5	An Act respecting certain proceedings at Municipal Elections.	The whole
7	An Act to carry into effect certain suggestions made by the Commissioners for Consolidating the Statutes and for other amendments of the Law.	The whole
8	An Act respecting certain Administrative matters therein mentioned.	The whole except section two.
9	An Act respecting the Legislative Assembly.	The whole except section twenty-one.
10	The Election Act of 1876.	The whole except sections thirty-two, forty, forty-one and forty-nine.
11	The Voters' List Act of 1876.	The whole

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
12	An Act respecting the duration of Terms in the Courts of Queen's Bench and Common Pleas.	The whole
13	An Act to provide for the payment of Witnesses for the Crown.	The whole
14	An Act respecting County Court Judges.	The whole
15	An Act to amend the Division Courts Act.	The whole
16	An Act respecting the Education Department.	The whole
17	An Act respecting Sureties for Public Officers of Ontario.	The whole
18	An Act to amend the Act respecting the Public Works of the Province.	The whole except all that part of section fifteen after the word "and" in the sixth line of said section.
19	An Act to authorize the Inspector of Prisons to examine Witnesses on oath.	The whole
20	An Act to make further provisions for the Insane.	The whole
21	An Act to amend the Railway Act.	The whole
22	An Act respecting Aid to certain Railways and for other purposes.	The whole except sections one and two.
23	An Act respecting Insurance Companies.	The whole
24	An Act to secure Uniform Conditions in Policies of Fire Insurance.	The whole
25	An Act to amend the Registry Acts.	The whole
26	An Act to amend the Law respecting the Sale of Fermented or Spirituous Liquors.	The whole
27	An Act to authorize Corporations and Institutions incorporated out of the Province of Ontario to Lend and Invest Moneys therein.	The whole
28	An Act respecting References of Matters of Account to Referees.	The whole
29	An Act to amend the Law of Vendor and Purchaser, and to Simplify Titles.	The whole
30	An Act to amend the Act imposing a Tax on Dogs, and for the Protection of Sheep.	The whole
31	An Act to amend the Laws respecting the Law Society.	The whole
32	An Act to make further provision respecting Permanent Building Societies.	The whole
33	An Act to amend the Assessment Act of 1869, and any Acts amending the same.	The whole
34	An Act to amend the Act intituled "An Act respecting Municipal Institutions in the Province of Ontario."	The whole
35	An Act to provide for Voting by Ballot on Municipal By-Laws requiring the Assent of the Ratepayers.	The whole
37	An Act relating to the Municipality of Shumiah, and the Tax imposed on Lands in the District of Algoma.	Sections eleven and twelve.
61	An Act to amend the Act relating to the Election of School Trustees in the City of Toronto.	The whole

## 40 VICT.—1877.

3	An Act to amend the Law respecting Escheats and Forfeitures.	The whole
4	An Act respecting the Administration of Estates of Intestates dying without known relatives in Ontario.	The whole



Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
5	An Act respecting references to the Supreme Court of Canada and the Exchequer Court of Canada in certain cases.	The whole
7	An Act to provide for certain amendments and additions to the Statutes of the Province as Consolidated by the Commissioners appointed for that purpose.	The whole
8	An Act to provide for certain amendments of the Law.	The whole
9	An Act to give the right of Voting to Farmers' Sons in certain cases.	The whole
10	An Act to amend the Acts relating to the Election of Members of the Legislative Assembly.	The whole
11	An Act to amend the Act passed in the thirty-eighth year of Her Majesty's reign respecting the Readjustment of Representation in the Legislative Assembly.	The whole
12	An Act to extend the Voters' List Act of 1876 to Municipal Elections and otherwise to amend the said Act.	The whole
14	An Act respecting aid to certain Railways and the creation of a Railway Land Subsidy Fund.	The whole except section one.
15	An Act respecting "The Free Grants and Homestead Act of 1868."	The whole
16	An Act to amend the several Acts respecting the Education Department, Public and High Schools and the University of Toronto.	The whole
17	An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.	The whole
18	An Act to amend the Acts respecting the sale of Fermented and Spirituous Liquors.	The whole
19	An Act respecting the County Court and General Sessions of the Peace and Surrogate Court of the County of York.	The whole
20	An Act respecting Constables.	The whole
21	An Act to amend the Act respecting Mortgages and Sales of Personal Property.	The whole
22	An Act to amend the Acts respecting Permanent Building Societies.	The whole
23	An Act to amend the Acts respecting Dentistry.	The whole
24	An Act respecting the Territorial and Temporary Judicial Districts of the Province and the Provisional County of Haliburton.	The whole
25	An Act to amend the Act entitled "An Act respecting Municipal Institutions in the Province of Ontario."	The whole
26	An Act respecting the Drainage of certain Lands by Municipalities and to amend "An Act respecting Municipal Institutions in the Province of Ontario."	The whole
27	An Act to amend the Assessment Act of 1869.	The whole
28	An Act to further amend the Assessment Acts.	The whole
29	An Act to amend the Act respecting Line Fences.	The whole
31	An Act respecting the Municipality of Shuniah.	Sections nine and ten.



# APPENDICES

TO

## THE REVISED STATUTES OF ONTARIO.

APPENDIX A.—List of Acts passed since 1859 by the Legislatures of the Provinces of Canada and Ontario.

APPENDIX B.—Acts and parts of Acts consolidated.

APPENDIX C.—Acts and parts of Acts not consolidated.

*In the following Appendices,*

Consol.....	means	Consolidated, the Act being within the jurisdiction of the Legislature of Ontario.
(O.).....	,,	Act of the Legislature of Ontario.
(D.).....	,,	Act of the Parliament of the Dominion.
Dom. ....	,,	subject to the exclusive legislative authority of the Dominion Parliament.
Q.....	,,	affecting the Province of Quebec only.
Occ.....	,,	only of occasional operation.
Effete.....	,,	having accomplished its object.
Rep.....	,,	Repealed.
Sup.....	,,	Superseded by subsequent legislation on the subject of the Act.
Exp.....	,,	Expired.
Temp.....	,,	Temporary.
Not Pub. Gen.....	,,	Not of public general application in Ontario.
Priv.....	,,	Private, in the sense of affecting only certain individuals.
Loc.....	,,	Local.

# APPENDIX A.

LIST OF THE ACTS CONTAINED IN THE CONSOLIDATED STATUTES FOR CANADA AND UPPER CANADA PUBLISHED IN 1859; AND ALSO OF ALL THE ACTS PASSED SINCE THAT DATE BY THE PARLIAMENT OF THE PROVINCE OF CANADA AND BY THE LEGISLATURE OF ONTARIO, SHOWING TO WHAT EXTENT THOSE WHICH ARE OF A PUBLIC GENERAL NATURE AND WITHIN THE LEGISLATIVE AUTHORITY OF THE LEGISLATURE OF ONTARIO REMAIN IN FORCE, AND HOW THEY HAVE BEEN DEALT WITH IN THE REVISION OF THE STATUTES.

## CONSOLIDATED STATUTES OF CANADA.—1859.

CHAPS.

1. Legislative Council .....	Effete
2. REPRESENTATION IN THE LEGISLATIVE ASSEMBLY .....	Consol., Ss. 3-7 and 10 (1) Quebec; Amended as to Dom. 35 V. c. 13 (D); 37 V. c. 12 (D)
3. Legislature, special provisions relating to both Houses ...	Sup. 32 V., c. 4 (O), and 33 V., c. 3 (O); Rep. 39 V., c. 7, s. 1 (O)
4. Legislative Assembly, office of Speaker.....	Sup. 31 V., c. 2 (O)
5. PROVINCIAL STATUTES, FORM, &c.....	Consol.
6. Election of Members of the Legislature.....	Rep. 32 V. c. 21, s. 1 (O); 37 V. c. 9, s. 133 (D)
7. Controverted Elections.....	Rep. 34 V. c. 3, s. 58 (O); 36 V. c. 28, s. 56 (D)
8. ALIENS.....	Sec. 9 Consol., remainder Rep. 31 V. c. 66, s. 14 (D)
9. Indians, Civilization, &c.....	Dom. Rep. 32-3 V. c. 6, s. 23 (D)
10. GOVERNOR, CIVIL LIST, AND SALARIES OF CERTAIN PUBLIC OFFICERS.....	Sec. 1, Consol. Sup as to Dom. 31 V. c. 33 (D); 36 V. c. 31 (D); 37 V. c. 4 (D)
11. Civil Service generally .....	Rep. 39 V., c. 7, s. 1 (O)
12. PUBLIC OFFICERS, their Commission, Oaths of Office, Security, &c.....	Secs. 1-7 Consol.; remainder Sup. 32 V., c. 29 (O), and Rep. 39 V., c. 7, s. 1, (O)
13. Inquiries on Public matters, Official notices .....	Rep. 31 V., c. 6, s. 3 (O)
14. Public moneys, debts and accounts .....	Rep. 39 V., c. 7, s. 1 (O)
15. Currency.....	Dom. Rep. 31 V. c. 45, s. 5 (D), and 34 V. c. 4, s. 11 (D)



CHAPS.

		Secs. 1-13 Consol., Sec. 14 Sup. 31 V., c. 5, s. 14 (D); ss. 15 to 29 Rep. 39 V., c. 7, s. 1 (O); s. 30 Sup. 36 V., c. 48, s. 273 (O); ss. 31-39, 41-45, Con- sol.; s. 40 Dom.
16. REVENUE, COLLECTION AND MANAGEMENT OF, Audit of Public Accounts, and Liability, &c., of Public Accountants ....		
17. Customs, Duties and Collection of .....	Dom. Rep. 31 V. c. 6, s. 138 (D)	
18. Customs, Reciprocity with U. S. ....	Dom. Effete	
19. Excise Duties .....	Dom. Rep. 27-8 V. c. 3, s. 1	
20. Tavern Keepers, Provincial Duty on .....	Rep. 31 V., c. 5, s. 1 (O)	
21. Bank Notes, Duty on.....	Dom. Sup. 34 V. c. 5, s. 15 (D)	
22. Public Lands—Sale, &c.....	Rep. 23 V., c. 2, s. 39	
23. PUBLIC LANDS, SALE AND MANAGEMENT OF TIMBER ON.....	Consol.	
24. Ordnance and Admiralty Lands transferred to the Province...	Dom. See 40 V. c. 8 (D)	
25. CLERGY RESERVES .....	{ Consol. except ss. 3-6 and 12, which are effete	
26. School Lands and Fund for Education .....	Not consolidated	
27. GEOLOGICAL SURVEY .....	{ Sec. 3 Consol.; re- mainder Dom. Rep. see 27-8 V. c. 8, s. 1; 31 V. c. 67 (D); 40 V. c. 9, s. 12 (D)	
28. Public Works .....	{ Rep. 32 V., c. 28, s. 56 (O); Sup. as to Dom. by 31 V. c. 12 (D). See s. 71	
29. RIOTS NEAR PUBLIC WORKS .....	Consol.	
30. PUBLIC WORKS, SALE OF INTOXICATING LIQUORS NEAR.....	Consol.; Rep. as to Dom. 32-3 V. c. 36 (D)	
31. Post Office, Provincial.....	Dom. Rep. 31 V. c. 10, s. 2 (D)	
32. Agriculture and Agricultural Societies.....	Rep. 32 V. c. 47, s. 12 (O)	
33. CENSUS AND STATISTICS .....	{ S. 32, first clause, and s. 35 Consol.; remainder Rep. 39 V., c. 7, s. 1 (O); Rep. as to Dom. 33 V. c. 21, s. 30 (D)	
34. Patents for Inventions .....	{ Dom. Rep. so far as inconsistent 32-3 V. c. 11, s. 52 (D) and 35 V. c. 26, s. 52, (D)	
35. Militia .....	Rep. 27 V., c. 2, s. 110	
36. Lands for Military Defence .....	Dom. See 40 V. c. 8 (D)	
37. Lands for Naval Defence .....	Dom. do Rep. 36 V. c. 43, s. 37 (O); 31 V. c. 63, s. 15 (D)	
38. Public Health.....	{ Consol.	
39. INOCULATION AND VACCINATION.....	{ Dom. Rep. 31 V. c. 63, s. 15 (D); 32-3 V. c. 10, s. 32 (D)	
40. Emigrants and Quarantine .....	Dom. Rep. 36 V. c. 128, s. 3 (D)	
41. Registration of Inland Vessels .....		

## CHAPS.

42. Encouragement of Ship-building .....	Dom. Rep. 36 V. c. 128, s. 3 (D)
43. Desertion of Seamen .....	Dom. Rep. 36 V. c. 129, s. 5 (D)
44. Navigation of Canadian waters .....	Dom. Rep. 27-8 V. c. 13, s. 1
45. Inspection of Steamboats .....	Dom. Rep. 31 V. c. 65, s. 50 (D)
46. Culling and measurement of lumber .....	Dom. Amended 38 V. c. 34 (D) ; 40 V. c. 16 (D)
47. Flour and meal, Inspection of .....	Dom. Rep. 36 V. c. 49, s. 20 (D)
48. Beef and pork, do .....	do do
49. Ashes, pot and pearl, do .....	do do
50. Fish and oil, do .....	do do
51. Sole leather, do .....	do do
52. Hops, do .....	Dom.
53. Weights and measures .....	Dom. Rep. 36 V. c. 47, s. 52 (D)
54. INCORPORATED BANKS .....	} Consol. so far as does not relate to banks ; rem. Sup. 34 V. c. 5 (D)
55. Banks and Freedom of Banking .....	
56. Savings Banks .....	Dom.
57. PROMISSORY NOTES AND BILLS OF EXCHANGE .....	Dom. Rep. 34 V. c. 7, s. 1 (D)
58. Interest and Usury .....	Ss. 6-8 Consol. ; ss. 1-5 Dom.
59. AGENTS, PROTECTION OF PERSONS DEALING WITH .....	Dom.
60. LIMITED PARTNERSHIPS .....	Consol.
61. PAWNBROKERS AND PAWNBROKING .....	do ss. 19-22 Dom.
	do S. 56 Rep. 39 V. c. 18, s. 99 (D)
62. Fisheries and Fishing .....	} Dom. ss. 1-51 Rep. 29 V. c. 11, s. 1 ; rem. Rep. 31 V. c. 60, s. 20 (D)
63. Manufacturing, &c., Joint Stock Cos. ....	} Rep. as to future incorporations 37 V. c. 35, s. 59(0) ; 32-5 V. c. 13, s. 56 (D)
64. MINING COS. ....	Consol.
65. GAS AND WATER COS. ....	do
66. RAILWAYS .....	do
67. TELEGRAPH COS .....	} Secs. 1-7 and 10-13 Rep. 37 V., c. 35, s. 59(0) ; 32-3 V. c. 13, s. 56 (D) ; remainder Consol.
68. TRANSMISSION OF TIMBER .....	} Consol. Amended 36 V., c. 64 (D) ; Sec. 50, Rep. 39 V., c. 18, s. 99 (D)
69. Insurance Companies' Dividends .....	Not consolidated
70. STOCK OF INCORPORATED Co.'s, Seizure and Sale of, under Execution .....	Consol.
71. Charitable and Provident Associations .....	} Rep. 37 V. c. 34 (O), s. 19, as to future incorporations
72. LIBRARY ASSOCIATIONS AND MECHANICS' INSTITUTES .....	Consol.
73. PRIVATE LUNATIC ASYLUMS .....	do
74. RECTORIES .....	do
75. LAW, PRACTICE OF .....	do

CHAPS.

76. PHYSIC, SURGERY, AND ANATOMY .....	Consol.
77. SURVEYORS AND SURVEY OF LAND .....	do
78. ACCIDENTS, DUELS, &c., Compensation to families of persons killed .....	do
79. AFFIDAVITS, WITNESSES, &c., from one section of the Province to the other .....	{ Ss. 1 and part of 3 Consol.; ss. 2, part of 3 and 12 (Q); ss. 4-11 and 13 Dom.
80. FOREIGN JUDGMENTS, &c., Evidence of .....	{ Consol. except s. 7; s. 7 Dom. See 32-3 V., c. 19, s. 35 (D)
81. Copyrights .....	Dom. Rep. 31 V. c. 54, s. 19 (D)
82. PUBLIC MEETINGS, CALLING AND HOLDING .....	Consol.
83. Consolidated Municipal Loan Fund .....	{ In great part Sup. by 36 V. c. 47 (O); 38 V. c. 29 (O), and 39 V. c. 4 (O). Not consolidated.
84. DEBENTURES, REGISTRATION, &c. ....	Consol.
85. Roads and Bridges in cities and towns, &c. ....	{ Sec. 3 part Dom.; rem. Sup. 36 V. c. 48, ss. 407 and 409 (O)
86. TOLLS, EXEMPTION FROM, IN CERTAIN CASES .....	Consol.
87. FIREMEN, EXEMPTION OF, FROM CERTAIN DUTIES .....	do.
88. FIRE, INVESTIGATION OF ACCIDENTS BY .....	do.
89. Extradition—Ashburton Treaty .....	Dom. Rep. 31 V. c. 94 (D)
90. Offences against the State .....	Dom. Rep. 32-3 V. c. 36 (D)
91. Offences against the Person .....	do do
92. Offences against the Person and Property .....	do do
93. Malicious Injuries to Property .....	do do
94. Forgery .....	do do
95. Lotteries .....	Dom. Amended 23 V. c. 36
96. Cruelty to Animals .....	Dom. Rep. 32-3 V. c. 36 (D)
97. Principals in the second degree and Accessories .....	do Rep. 27-8 V. c. 19, s. 1
98. Poisons, sale of .....	Rep. 34 V. c. 34, s. 30 (O)
99. PROCEDURE IN CRIMINAL CASES .....	{ Secs. 87, 120 & 121 Consol.; remainder Dom.; Sup. 32-3 V. c. 36 (D), exc. ss. 97, 120, 121
100. JUSTICES OF THE PEACE, QUALIFICATION OF .....	Consol.
101. Justices of the Peace, appointment in remote parts .....	Effete
102. Justices of the Peace, Duties out of Sessions (Indictable Offences) .....	{ Dom. Rep. 32-3 V. c. 36 (D) except s. 59, which relates to Quebec
103. Justices of the Peace, Duties out of Sessions (Summary Convictions) .....	{ Rep. 38 V. c. 4, s. 12 (O), so far as within the authority of the Provincial Legislature; Rep. 32-3 V. c. 36 (D) except ss. 74-81 and 85, which relate to Quebec
104. SPECIAL CONSTABLES .....	Consol.

## CHAPS.

105. Summary Administration of Criminal Justice in Minor Offences .....	Dom. Rep. 32-3 V. c. 36 (D), except ss. 30-33, and by 32-3 V. c. 32, s. 34 <i>in toto</i> ; ss. 31-33 relate to Quebec; s. 30 Sup. 32-3 V. c. 32, s. 1 (D)*
106. Juvenile Offenders .....	Dom. Rep. 32-3 V. c. 36 (D), exc. ss. 6-8; s. 8 relates to Quebec. Rep. <i>in toto</i> 32-3 V. c. 33, s. 29 (D)
107. PRISONS FOR JUVENILE OFFENDERS .....	Consol. ss. 2, 3 and 14 to 16, ss. 5-13 Dom.; ss. 1, 4, and 15 effate; s. 17 (Q)
108. Lunatic Asylums for Convicts .....	Dom. Rep. 31 V. c. 75, s. 63 (D)
109. Lunatics, dangerous, restraint of .....	Ss. 1-6 Dom. Sup. 32-3 V. c. 29, ss. 99-104 (D); remainder Rep. 36 V., c. 31, s. 32 (O)
110. Inspection of Public Asylums, Hospitals, Penitentiary and Prisons .....	Rep. as to Ont. by 31 V. c. 7 (O); as to Dom. by 31 V. c. 75, s. 1 (D)
111. Provincial Penitentiary .....	Dom. Rep. 31 V. c. 75, s. 1 (D)

## CONSOLIDATED STATUTES FOR UPPER CANADA—1859.

1. The Consolidated Statutes for Upper Canada .....	Not consolidated
2. INTERPRETATION OF WORDS .....	Consol.
3. TERRITORIAL DIVISIONS OF UPPER CANADA .....	do
4. Government Debentures .....	Rep. 39 V. c. 7, s. 1 (O)
5. Registration of Crown Debts .....	Rep. 29-30 V. c. 43, s. 3; 36 V. c. 6, s. 5 (O)
6. Militia Pensions .....	Dom.
7. Sale and Purchase of Claims due to Government .....	Effate
8. Maintenance of Light Houses .....	Dom. Sup. 31 V. c. 59, s. 7 (D)
9. LAW OF ENGLAND IN RELATION TO PROPERTY AND CIVIL RIGHTS .....	Consol.
10. SUPERIOR COURTS OF LAW .....	do
11. COURTS OF ASSIZE AND NISI PRIUS .....	do
12. COURT OF CHANCERY .....	do
13. do ERROR AND APPEAL .....	do
14. do Impeachment .....	Rep. 32 V., c. 26, s. 1 (O)
15. COUNTY COURTS .....	Consol.
16. SURROGATE COURTS .....	do, except s. 83 Rep. 36 V., c. 20, ss. 7 and 9 (O)
17. COURT OF GENERAL QUARTER SESSIONS OF THE PEACE .....	Consol.
18. Insolvent Debtors' Court .....	Dom.
19. DIVISION COURTS .....	Consol.
20. FEE FUND FROM LOCAL COURTS AND FISCAL DUTIES OF COUNTY ATTORNEYS, &c. ....	do
21. PROCEEDINGS IN EXCHEQUER AND REVENUE CASES .....	do
22. COMMON LAW PROCEDURE .....	do



CHAPS.

23. MANDAMUS AND INJUNCTION.....	Consol.
24. IMPRISONMENT FOR DEBT.....	do
25. ABSCONDING DEBTORS.....	do
26. INDIGENT DEBTORS, RELIEF OF.....	do
27. EJECTMENT .....	do
28. Dower .....	Rep. 32 V., c. 7, s. 1 (O)
29. REPLEVIN .....	Consol.
30. INTERPLEADING .....	do
31. JURORS AND JURIES .....	do
32. WITNESSES AND EVIDENCE.....	do
33. LAW SOCIETY .....	do
34. BARRISTERS AT LAW.....	do
35. ATTORNEYS AT LAW.....	do
36. Reporters in the Superior Courts .....	Rep. 35 V., c. 6, s. 8 (O)
37. LOCAL CROWN ATTORNEYS .....	Consol.
38. The Office of Sheriff.....	Rep. 27-28 V., c. 28, s. 1
39. COMMISSIONERS TO TAKE AFFIDAVITS AND BAIL .....	Consol.
40. Medical Board and Medical Practitioners .....	Rep. 29 V., c. 34, s. 35
41. Homoeopathy.....	{ Rep. 32 V., c. 45, s. 1 (O), and 37 V., c. 30, s. 1 (O)
42. BILLS OF EXCHANGE AND PROMISSORY NOTES.....	{ Ss. 14 and 23-36 Consol.; ss. 1-13 and 15-22 Dom.
43. INTEREST .....	Secs. 1, 2 and 3 Con- sol.; s. 4 Dom.
44. WRITTEN PROMISES .....	Consol.
45. CHATTEL MORTGAGES.....	do
46. FERRIES.....	{ Consol. except s. 1; s. 1 Dom. Rep. 33 V. c. 35, s. 11 (D)
47. RIVERS AND STREAMS .....	Consol. Amended 35 V. c. 36 (D)
48. MILLS AND MILL DAMS.....	Consol.
49. JOINT STOCK COMPANIES FOR ROADS.....	{ do. exc. s. 29, which is Rep. 39 V. c. 18, s. 99 (D)
50. “ “ PIERs, WHARVES, &c. ....	Consol.
51. “ “ EXHIBITION BUILDINGS.....	do
52. Mutual Insurance Companies.....	Rep. 36 V., c. 44, s. 78 (O)
53. BUILDING SOCIETIES .....	{ Consol. Amended 29 V. c. 38; 37 V. c. 50 (D); 40 V. c. 49 (D)
54. Municipal Institutions .....	{ Rep. so far as in- consistent 29-30 V., c. 51
55. Assessment of Property .....	Rep. 29-30 V., c. 53, s. 205
56. TRAVELLING ON PUBLIC HIGHWAYS.....	Consol.
57. Line Fences and Water Courses .....	{ Rep. 37 V., c. 25 (O), and 38 V., c. 26 (O)
58. Weights and Measures.....	Dom. Rep. 36 V. c. 47, s. 52 (D)
59. Public Health.....	Rep. 36 V., c. 43, s. 37 (O)
60. WOLVES, DESTRUCTION OF .....	Consol.

## CHAPS.

61. Game Laws .....	Rep. 23 V., c. 55, s. 1
62. UNIVERSITY OF TORONTO, UNIVERSITY COLLEGE, UPPER CANADA COLLEGE, AND ROYAL GRAMMAR SCHOOL.....	Consol.
63. Grammar Schools .....	Rep. 37 V., c. 27, s. 103 (O)
64. Common Schools .....	Rep. 37 V., c. 28, s. 191 (O)
65. SEPARATE SCHOOLS .....	Consol.
66. TITHES .....	do
67. CEMETERIES.....	do
68. CONVEYANCES TO TRUSTEES FOR BURIAL PLACES.....	do
69. Property of Religious Institutions.....	Rep. 33 V. c. 135 s. 18 (O)
70. Building Fund for Lunatic Asylum, &c.....	Effete.
71. Provincial Lunatic Asylum.....	Rep. 34 V., c. 18, s. 25 (O)
72. MARRIAGES.....	Consol.
73. SEPARATE RIGHTS OF MARRIED WOMEN .....	{ Consol.; s. 16 Rep. as to certain wills. 36 V., c. 20, s. 46 (O)
74. APPOINTMENT OF GUARDIANS, &c.....	Consol.
75. MASTER AND SERVANT .....	do
76. Apprentices and Minors .....	{ Sup. 38 V., c. 19 (O), except ss. 9, 10 and 20
77. SEDUCTION .....	Consol.
78. ACTIONS BY AND AGAINST EXECUTORS, &c., AND LIMITATION OF CERTAIN ACTIONS.....	do
79. To prevent Accidents from Machinery.....	Not consolidated.
80. HEIR AND DEVISEE COMMISSION.....	Consol.
81. TO PREVENT TRESPASSES TO PUBLIC AND INDIAN LANDS ....	{ Consol. Rep. as to Indian lands 39 V. c. 18, s. 99 (D)
82. DESCENT OF REAL PROPERTY.....	{ Consol. except ss. 11, 12 and 13, which are Rep. 36 V., c. 20, s. 46 (O), as to certain wills
83. ASSURANCE OF ESTATES TAIL .....	Consol.
84. DOWER .....	do
85. Conveyance of Real Estate by Married Women.. ..	{ Ss. 1-8, Rep. 34 V., c. 24, s. 1 (O); and 26 V., c. 18, s. 14, (O); ss. 10-14 Sup. 36 V., c. 18, s. 12; ss. 9 and 15 effete
86. Partition and Sale of Real Estate.....	Rep. 32 V., c. 33, s. 46 (O)
87. MORTGAGES OF REAL ESTATE .....	Consol.
88. LIMITATIONS OF ACTIONS AND SUITS RESPECTING REAL PROPERTY.....	Consol.
89. Registry Act .....	Rep. 29 V. c. 24, s. 2
90. TRANSFER OF REAL PROPERTY.....	Consol.
91. SHORT FORMS OF CONVEYANCES.....	do
92. " LEASES.....	do
93. SURVEY OF LANDS .....	{ Consol. except ss. 4 and 52; ss. 4 and 52 Dom.
94. Criminal Law of England continued.....	Dom.
95. Apprehension of Fugitives escaping from other Colonies....	do
96. " " " Foreign Countries .....	do Rep. 23 V. c. 41
97. High Treason, Tumults and Riotous Assemblies, and other offences .....	{ do Rep. 32-3 V. c. 36 (D)

CHAPS.

98. The protection of the inhabitants of U. C. from lawless aggression .....	Dom. Sup. 31 V. c. 14 (D)
99. Illegal Drilling or Practice in the use of Fire Arms .....	do Rep. 32-3 V. c. 36, exc. s. 3. which is effete
100. Seduction of Soldiers or Sailors to desert Her Majesty's Service .....	do Rep. 32-3 V. c. 36 (D)
101. FORGERY AND PERJURY .....	Consol. s. 2, Remainder Dom. Rep. 32-3 V. c. 36 (D)
102. Punishment of Persons illegally solemnizing Marriage .....	Dom.
103. SLANDER AND LIBEL .....	Consol. Part Dom. Sup. as to Dom. 37 V. c. 38, s. 14 (D)
104. PROFANATION OF THE LORD'S DAY .....	Consol.
105. Petty Trespasses .....	Dom.
106. COUNTY ATTORNEYS .....	Consol.
107. Proceedings to Outlawry in Criminal cases .....	Dom.
108. Prosecution in cases of Misdemeanor .....	do s. 3 Rep. 32-3 V. c. 36 (D)
109. To facilitate Despatch of Business before Grand Juries ....	Dom.
110. To allow any person indicted a Copy of the Indictment ....	do Rep. 32-3 V. c. 36 (D)
111. Amendments at Trial ..	Sup. 36 V. c. 8, s. 50 (O); Rep. 32-3 V. c. 36 (D)
112. Reservation of points of Law in Criminal Cases .....	Dom.
113. Appeals in Criminal Cases .....	do Rep. 32-3 V. c. 36 (D); 36 V. c. 3, s. 2 (D), except ss. 16 and 17
114. " Cases of Summary Conviction .....	Rep. 38 V., c. 4, s. 12 (O)
115. Commuting sentence of Death .....	Dom. Rep. 32-3 V. c. 36 (D)
116. Corruption of Blood .....	do do
117. ESTREATS .....	Consol.
118. APPROPRIATION OF FINES .....	do
119. FEES OF COUNSEL AND OTHER OFFICERS .....	do
120. EXPENSES OF THE ADMINISTRATION OF JUSTICE .....	do
121. EXPENDITURE OF COUNTY FUNDS .....	do
122. SUPPORT OF INSANE DESTITUTES .....	do
123. COSTS OF LEVYING DISTRESSES FOR SMALL RENTS AND PENALTIES .....	do
124. RETURN OF CONVICTIONS AND FINES, &c. ....	do Rep. 32-3 V. c. 36 (L) exc. s. 7
125. INQUESTS BY CORONERS .....	Consol
126. PROTECTION OF JUSTICES OF THE PEACE FROM VEXATIOUS ACCUSATIONS .....	do
127. COURT HOUSES, GAOLS AND HOUSES OF CORRECTION .....	do
128. ADMINISTRATION OF JUSTICE IN UNORGANIZED TRACTS .....	do

## ACTS OF THE LATE PROVINCE OF CANADA.

23 VICT.—1860.

1. REPRESENTATION IN THE LEGISLATIVE ASSEMBLY .....	Consol. s. 3. This s. is amended 35 V. c. 13 (D)
2. SALE AND MANAGEMENT OF THE PUBLIC LANDS .....	Consol.
3. Speaker of the Legislative Council .....	Effete
4. Sinking Fund for the redemption of the Imperial Guaranteed Loan .....	do

## CHAPS.

5. Aid to the Canadian Line of Steamers, &c. ....	Effete.
6. Intoxicating Liquors in Unorganized Tracts. ....	Rep. 36 V., c. 34, s. 13 (O); and see 37 V., c. 32, s. 59 (O)
7. Standard Weight for Hay and Straw. ....	Dom. Q.
8. ACT AMENDING C.S.U. C., c. 17 (CONSTABLES). ....	Consol.
9. Debt of the County of Middlesex. ....	Loc.
10. Township of Windsor. ....	Q. Loc.
11. Certain marriages made valid. ....	Q. Occ.
12. Compton High School incorporated. ....	Q. Priv.
13. Art Association Montreal incorporated. ....	do
14. Certain Acts and ordinances continued for a limited time. ....	Q. Occ.
15. Supplies. ....	Effete
16. To amend C. S. C., c. 3, Members' Indemnity. ....	Sup. by 33 V. c. 3 (O) Rep. 32 V., c. 21, s. 1 (O); as to Dom. 37 V. c. 9, s. 133 (D)
17. Corrupt Practices at Elections. ....	Dom. Rep. 31 V. c. 6, s. 138 (D)
18. Duties of Customs. ....	do do
19. Trade with Foreign Countries. ....	do Rep. 29-30 V. c. 6, s. 9 (D)
20. Free Ports of Entry. ....	Not consolidated
21. Line of Division between Upper and Lower Canada. ....	Dom.
22. Ordnance Land Reserves. ....	Rep. 32 V., c. 47 (O)
23. Board of Arts and Manufactures. ....	Consol., except s. 1, Rep. 39 V., c. 7, s. 1 (O)
24. FOREIGN JUDGMENTS AND DECREES. ....	Consol.
25. SEIZURE IN SATISFACTION OF DEBTS. ....	Dom. Rep. 36 V. c. 49, s. 20 (D)
26. Inspection of Flour and Meal. ....	do Rep. 24 V. c. 21 do Rep. 31 V. c. 65, s. 50 (D)
27. Trade Marks. ....	Consol.
28. Passengers by Steamboats. ....	Rep. as to future in- corporations 37 V. c. 35, s. 59 (O); 32-3 V. c. 13, s. 56 (D)
29. RAILWAY ACT AMENDED. ....	Rep. as to future in- corporations 37 V. c. 35, s. 59 (O); 32-3 V. c. 13, s. 56 (D)
30. Joint Stock Companies. ....	Consol.
31. Judicial Incorporation of Joint Stock Companies. ....	Dom. Rep. 31 V. c. 4, ss. 21, 24 (D)
32. JOINT STOCK GAS AND WATER COMPANIES. ....	Dom.
33. Fire Insurance Companies not within the Province of Canada. ....	Consol.
34. To amend Interest Act C. S. C., c. 58, as regards Insurance Companies. ....	Dom.
35. INVESTIGATION OF ACCIDENTS BY FIRE. ....	Dom.
36. Lotteries, Law amended. ....	do Rep. 32-3 V. c. 36 (D)
37. Growing Timber. ....	do Rep. 32-3 V. c. 6, s. 23 (D)
38. Civilization and Enfranchisement of certain Indians, Law amended. ....	Consol.
39. TERRITORIAL DIVISION OF UPPER CANADA. ....	do
40. REPRESENTATION IN THE LEGISLATIVE ASSEMBLY. ....	Dom. Repeals Con. Stat. U. C., c. 96
41. Apprehension of fugitive offenders in Foreign Countries. ....	Consol.
42. COMMON LAW PROCEDURE ACT, Amended. ....	do
43. COUNTY COURTS, EXTENDING JURISDICTION. ....	



## CHAPS.

44. REMOVAL OF CAUSES FROM COUNTY COURTS .....	Consol.
45. REPLEVIN .....	do
46. Law Society .....	Effete
47. BARRISTERS-AT-LAW .....	Consol.
48. ATTORNEYS-AT-LAW .....	do
49. Common School Act .....	Rep. 37 V., c. 28, s. 191 (O)
50. Municipal Institutions .....	Rep. 25 V. c. 19, s. 1
51. Assessment of Property .....	Rep. 29-30 V., c. 53, s. 205
52. Assessment Act, Amended .....	Rep. 29-30 V., c. 53, s. 205
53. Intoxicating liquors, licenses diminished .....	{ Rep. 25 V., c. 23, s. 1; and 29-30 V., c. 51. ss. 249 & 428
54. JOINT STOCK ROAD COMPANIES .....	Consol.
55. Protection of Game .....	Rep. 31 V., c. 12 (O)
56. Respecting the Consolidated Statutes for Lower Canada .....	Q.
57. Administration of Justice, Lower Canada .....	Q.
58. Statistical Returns of Judicial Matters .....	Q.
59. Registry Offices, &c., Lower Canada .....	Q.
60. Final abolition of Feudal Rights and Duties .....	Q.
61. Municipal and Roads Act .....	Q.
62. Certain By-laws or <i>Procès-Verbaux</i> passed under the autho- rity of Inspectors of Fences and Ditches, made valid .....	Q.
63. Timber in the Forests of Lower Canada .....	Q.
64. "Lower Canada Game Act," amended .....	Q.
65. Registration of the Articles of Law Students .....	Q.
66. Notarial Profession .....	Q.
67. Presidency at Fabrique Meetings regulated .....	Q.
68. Quebec Water Works .....	Q.
69. Quebec Turnpike Roads .....	Q.
70. Restriction of Interments, Quebec .....	Q.
71. Restriction of Interments, Quebec, Act amended .....	Q.
72. Incorporation of City of Montreal, Acts amended .....	Q.
73. Terminus for the Grand Trunk Railway .....	Q.
74. Three Rivers, Acts of Incorporation, amended .....	Q.
75. Town of Sorel, incorporated .....	Q.
76. Town of Terrebonne, incorporated .....	Q.
77. Village of Victoriaville, incorporated .....	Q.
78. County of Lévis, addition for Registration purposes .....	Q.
79. Municipality of St. Hubert, County of Chambly .....	Q.
80. Notre-Dame du Portage annexed to Témiscouata .....	Q.
81. Municipalities of Grantham, Wendover and Simpson, powers in respect of the Bridge at Drummondville, over the River St. Francis .....	Q.
82. Indian Lands in the Township of Durham .....	Q.
83. Side Lines of Lots in Clarendon, County of Pontiac, confirmed .....	Q.
84. Election of Officers and Directors of the County of Missisquoi Agricultural Society, for 1860 .....	Q. Effete
85. President and Trustees of the Common of Berthier incor- porated .....	Q.
86. By-law 309, Toronto, confirmed .....	Loc.
87. An Act to amend an Act intituled: "An Act for the Water Works, Hamilton," Act amended .....	do
88. Town of Ingersoll incorporated .....	do
89. Town of St. Thomas incorporated .....	do
90. Debt of the Town of Bowanville .....	do
91. Village of Merrickville incorporated .....	do
92. Village of New Hamburg, Act of Incorporation amended .....	do
93. Debts of the Town of Guelph Consolidated .....	do
94. Town of Dundas, Acts amended .....	do

## CHAPS.

95. Separation of the County of Peel from the County of York, Act amended.....	Loc.
96. Township of Sandwich divided.....	do
97. Sale of Land for Taxes in the United Counties of Peterborough and Victoria.....	do
98. Gravelled roads, Northumberland and Durham.....	do
99. Concession Line between Gore A and the Eighth Concession of the Township of Grimsby.....	do
100. Lines and Side Roads in the 3rd, 4th, and 5th Concessions of Beverly confirmed.....	do
101. Side Lines 1st concession, old survey, of Cumberland, in the County of Russell.....	do
102. Side Roads in the Township of Vaughan, confirmed.....	do
103. Port Burwell Harbour.....	do
104. Niagara and Detroit Rivers Railway Company Act amended.	Priv.
105. Northern Railway of Canada.....	do
106. Hamilton and Port Dover Railway Company, Acts amended...	do
107. Montreal and Champlain Railroad Company, Acts amended..	Q. Priv.
108. Carillon and Grenville Railway Company incorporated.....	Priv.
109. Brockville and Ottawa Railway Company, Act amended.....	do
110. Eastwood and Berlin Railway Company, Act amended....	do
111. Drummond and Arthabaska Railway Company, incorporated.	Q. Priv.
112. Montreal Telegraph Company.....	do
113. International Bridge Company, Act amended.....	Priv.
114. Upper and Lower Canada Bridge Company incorporated.....	do
115. Joseph Ovide Rousseau authorized to construct a Toll-Bridge over the River Nicolet.....	Q. Priv.
116. Gore Bank, Charter amended.....	Priv.
117. Annuity and Guarantee Funds Society of the Bank of Montreal, incorporated.....	Q. Priv.
118. Sherbrooke Cotton Manufacturing Co., incorporated.....	do
119. British American Manufacturing Co., incorporated.....	Priv.
120. Terrebonne and L'Assomption Navigation Co. incorporated.	Q. Priv.
121. Chambly Navigation Co., incorporated.....	do
122. St. Lawrence North Shore Navigation Co. incorporated....	do
123. Pilots for and below the Harbour of Quebec, incorporated...	do
124. St. Lawrence Inland Marine Assurance Co., Charter extended	do
125. New City Gas Co. of Montreal enabled to increase their Capital Stock.....	do
126. South-Eastern Mining Co. of Canada, incorporated.....	do
127. St. Lawrence Mining Co., Charter amended.....	do
128. Montreal Mining Co., Charter amended.....	do
129. British American Investment Co., incorporated.....	Priv.
130. Agricultural Loan Association of Canada, incorporated....	do
131. Windsor Improvement Co., incorporated.....	do
132. Ottawa Board of Lumber Manufacturers, incorporated....	do
133. College of Three Rivers, incorporated.....	Q. Priv.
134. Academy of St. Romuald de Farnham, incorporated.....	do
135. The Melbourne Female Seminary, incorporated.....	do
136. La Communauté des Filles de Ste. Anne of St. Jacques l'Achigan, District of Joliette, incorporated.....	do
137. Mechanics' Institute of Montreal, Charter amended.....	do
138. Toronto Mechanics' Institute, Acts of incorporation repealed	Priv.
139. Association of Provincial Land Surveyors, and Institute of Civil Engineers, incorporated.....	do
140. St. Patrick's Literary Association of Montreal, incorporated	do
141. St. George's Society of Montreal, incorporated.....	Q. Priv.
142. General Hospital of the District of Richelieu, incorporated..	do
143. Ladies of the Protestant Orphan Asylum of Montreal, Charter amended.....	do.
144. Mount Hope institute, incorporated.....	Priv.
145. St. Bridget's Asylum Association incorporated.....	Q. Priv.

## CHAPS.

146. Congregational Ministers' Widows' and Orphans' Fund Society, incorporated .....	Priv.
147. Act to enable the Rector and Churchwardens of the Church of St. Paul, at Woodstock, to sell certain lands .....	do
148. Sale of the site of St. George's Church, in the Town of Guelph .....	do
149. Alexander Donald Austin Aeneas Macdonell, &c., authorized to convey lands .....	do
150. Henry Law and William Ridout, Examination and admission of, as Land Surveyors by the Board of Examiners authorized .....	do
151. Management of Indian Lands ( <i>Reserved Act</i> ) .....	Dom. Sup. 31 V. c. 42 (D)

## 24 VICT.—1861.

1. Supplies .....	Effete
2. To amend the Act respecting the duties of Customs .....	Dom. Rep. 31 V. c. 6, s. 138 (D)
3. Fraudulent use of false Invoices for Customs purposes .....	do do
4. To amend an Act respecting Public Works, C.S.U.C., c. 28 .....	Rep. as to Ont. 32 V., c. 28, s. 56 (O); Sup. as to Dom. 31 V. c. 12 (D)
5. To continue several Acts .....	Temp. Exp.
6. Extradition of Fugitive Felons .....	Dom. Rep. 31 V. c. 94 (D)
7. Unlawful administering of Poison .....	do Rep. 32-3 V. c. 36 (D)
8. Persons injured in this Province and dying abroad .....	do Sup. 32-3 V. c. 20, s. 9 (D)
9. Recording Sentence of Death, procedure abolished .....	do Repeals C. S. C. c. 99, ss. 91-2
10. Vexatious Indictments for certain Misdemeanors .....	do Rep. 32-3 V. c. 36 (D)
11. The Prison and Asylum Inspection Act .....	Rep. as to Ont. 31 V. c. 7, s. 1 (O); as to Dom. 32-3 V. c. 36 (D)
12. Provincial Penitentiary of Canada .....	Dom. Rep. 32-3 V. c. 36 (D)
13. Lunatic Asylum for Criminal Convicts .....	do Rep. 31 V. c. 75, s. 63 (D)
14. To abolish the right of Quarter Sessions and Recorders' Courts to try Treasons and Capital Felonies .....	do Rep. 32-3 V. c. 36 (D)
15. Justices of the Peace, out of Sessions, C. S. C., c. 102, amended .....	do do
16. Offences committed in New Brunswick by persons afterwards escaping to Canada .....	Disallowed by O. in C. 6th January, 1863
17. TO EXPLAIN AND AMEND THE RAILWAY ACT .....	Consol.
18. JOINT STOCK COMPANIES GENERAL CLAUSES CONSOLIDATION ACT .....	do
19. Joint Stock Companies .....	Rep. as to future incorporations, 37 V., c. 35, s. 59 (O); 32-3 V. c. 13, s. 56 (D)
20. Joint Stock Companies Judicial Incorporation .....	Rep. as to future incorporations, 37 V. c. 35, s. 59 (O); 32-3 V. c. 13, s. 56 (D)

## CHAPS.

21. Trade Marks .....	Dom. Rep. 31 V. c. 55, s. 29 (D)
22. Inspection of Sole Leather.....	do Rep. 36 V. c. 49, s. 20 (D)
23. INCORPORATED BANKS, C. S. C., c. 54, AMENDED .....	{ S. 2, so far as relates to private persons, Consol.; Sup. as to banks, 34 V. c. 5 (D)
24. VACCINATION .....	
25. Elections of Members of the Legislature.....	Consol. Q. Rep. 37 V. c. 9, s. 133 (D)
26. Recorder's Court of the City of Quebec .....	Q.
27. EXEMPTION FROM SEIZURE IN SATISFACTION OF DEBTS.....	S. 2 Consol.; s. 1 Q.
28. Registration of Baptism, Marriages, &c .....	Q.
29. L. C. Municipal Act, amended .....	Q.
30. Agricultural Act, L. C., amended.....	Q.
31. Mining rights.....	Q.
32. Mutual Insurance Companies.....	Q.
33. INVESTIGATION OF ACCIDENTS BY FIRE.....	Consol.
34. Admissions of Students as Advocates .....	Q.
35. Notarial Profession .....	Q.
36. Court of Error and Appeal .....	Rep. 37 V., c. 7, s. 96 (O).
37. Municipal Institutions .....	{ Sup. 29-30 V., c. 51, ss. 105 and 116; 36 V., c. 48. ss. 85, and 114 (O).
38. Assessment Act amended .....	
39. Municipal Institutions .....	{ Sup. 29-30 V., c. 51, s. 60, (7); 36 V. c. 48, s. 9. (O).
40. Assignment of Dower .....	Rep. 32 V., c. 7, s. 1 (O.)
41. REGISTRATION OF JUDGMENTS IN UPPER CANADA .....	{ Rep. 29 V., c. 24, s. 2. Sec. 8 revived 40 V. c. 8, s. 37.
42. Registration of Deeds .....	Rep. 29 V., c. 24, s. 2.
43. Religious Institutions .....	Rep. 36 V., c. 135, s. 18 (O).
44. Forfeited Estates of Aliens.....	Occ.
45. Validity of certain Certificates to Insolvents .....	Occ. Effete.
46. Certain Marriages confirmed .....	Occ.
47. Mutual Insurance Companies .....	Rep. 36 V., c. 44, s. 78 (O).
48. CONSTABLES .....	Consol.
49. MAPS OR PLANS OF TOWNS OR VILLAGES IN U. C.....	do.
50. Separation of Victoria from Peterborough .....	Loc.
51. Separation of Renfrew from Lanark .....	do
52. By-law of County of Grey confirmed.....	do
53. Separation of Toronto from York and Peel .....	{ Loc. Rep. except s. 16, 32 V., c. 6, s. 24 (O).
54. City of Toronto Debt Consolidated.....	Loc.
55. Debt of the City of Hamilton Consolidated .....	do.
56. Water Works of Hamilton vested in City.....	Priv.
57. City of Ottawa authorized to continue William Street to the Market Square .....	Loc.
58. Surveys of Ottawa Confirmed .....	do
59. City of Ottawa, Collection of Arrears of Taxes by, authorized .....	do Effete.
60. Re-survey of part of the Township of Goderich, confirmed...	do
61. Debt of the Town of Peterborough.....	do



## CHAPS,

62. Debt of the Town of Port Hope.....	Loc.
63. Town of Owen Sound authorized to impose certain Tolls.....	do
64. Side Roads in the Township of Scarborough, confirmed.....	do
65. Municipalities of Dereham and Ingersoll, By-laws to ratify a certain agreement.....	do
66. Road allowances &c. Township of Burford defined.....	do
67. City of Montreal, loan for Water Works.....	do
68. Harbour of Montreal and Ship Channel between Montreal and Quebec.....	Q. Loc.
69. Obstructions to the navigation of the Rivière des Prairies....	do
70. Town of Lévis incorporated.....	do
71. Village of Victoriaville, incorporated.....	do
72. Village of Acton Vale, limits altered.....	do
73. Municipality of St. Gabriel de Valcartier divided.....	do
74. Agricultural Society of Arthabaska, proceedings legalized.....	do
75. Commissioners' Court in the Municipality of Hebertville.....	do
76. Municipalities of St. Louis de Blandford and St. Valère de Bulstrode.....	do
77. Common of the Seignior of Yamaska.....	do
78. Surveys in the Townships of Lingwick, Bury and Orford con- firmed.....	do
79. Tolls on the Bridge over the River Ste. Anne.....	Q. Loc.
80. Canada Central Railway Co., incorporated.....	Priv.
81. Montreal and Vermont Junction Railway Co., incorporated.	Q. Priv.
82. Montreal Railway Terminus Co., incorporated.....	do
83. Toronto Street Railway Co., incorporated.....	Priv.
84. Montreal City Passenger Railway Co., incorporated.....	Q. Priv.
85. North Shore Railway and St. Maurice Navigation and Land Co., time for completion extended.....	do
86. Drummond and Arthabaska Co., charter amended.....	Priv.
87. Carillon and Grenville Co., charter amended.....	do
88. The Petroleum Springs Road Co., incorporated.....	do
89. The Merchants' Bank, incorporated.....	do
90. La Banque Jacques Cartier, incorporated.....	do
91. Bank of Montreal, charter amended.....	do
92. Annuity and Guarantee Fund Society of the Bank of Mon- treal, charter amended.....	Q. Priv.
93. La Banque du Peuple, increase of stock.....	Priv.
94. Niagara District Bank, charter amended.....	do
95. Ontario Bank, charter amended.....	do
96. Montreal Hydraulic and Dock Co., incorporated.....	do
97. St. Lawrence Warehouse, Dock and Wharfage Co., charter amended.....	do
98. Lake St. Peter Navigation Co., charter amended.....	do
99. St. Lawrence Navigation Co., incorporated.....	do
100. St. Lawrence Grain Elevating and Floating Storage Co., in- corporated.....	do
101. Metropolitan Gas and Water Co. of the City of Toronto, char- ter amended.....	do
102. Toronto Cotton Mills Co., incorporated.....	do
103. British American Manufacturing Co., charter amended.....	do
104. Windsor Improvement Co., charter amended.....	do
105. South-Eastern Mining Co. of Canada, charter amended.....	do
106. Kingston Fire and Marine Insurance Co.....	do
107. Agricultural Loan Association of Canada, charter amended..	do
108. College of Bytown, charter amended.....	do
109. Morrin College, Quebec, incorporated.....	Q. Priv.
110. Eclectic System of Medicine.....	Rep. 32 V., c. 45 s. 1 (O)
111. Guelph General Hospital, incorporated.....	Priv.
112. Wesleyan Female College of Hamilton, incorporated.....	do

## CHAPS.

113. Church of England Female Orphan Asylum, Quebec, incorporated.....	Q. Priv.
114. The Boys' Home, Toronto, incorporated.....	Priv.
115. Montreal Asylum for Aged and Infirm Women, charter amended.....	do
116. La Communauté des Révérendes Sœurs de la Charité, at By-Town, charter amended.....	do
117. Union St. Joseph de L'Industrie, incorporated.....	Q. Priv.
118. Les Dames Religieuses de Jésus-Marie.....	do
119. St. Antoine Association of Montreal, incorporated.....	do
120. La Société de Colonisation du Bas Canada, incorporated....	do
121. Stadacona Club of Quebec, incorporated.....	do
122. St. George's Society, Ottawa, incorporated.....	Priv.
123. Montreal Skating Club, incorporated.....	Q. Priv.
124. Union of certain Presbyterian Churches.....	Priv.
125. Church Societies of the Dioceses of Toronto and Huron, agreement legalized.....	do
126. Wesleyan Methodist Church, Stratford.....	do
127. Trustees of Presbyterian Church, Beauharnois, authorized to sell a certain lot.....	Q. Priv.
128. Episcopal Corporation of Bytown, name changed.....	Priv.
129. St. Michel Congregation of Montreal, incorporated.....	Q. Priv.
130. The First Baptist Church of Montreal, incorporated.....	do
131. Protestant Parish of Drummondville, disposition of certain real estate.....	do
132. Church of St. Paul, at London, sale, &c., of land authorized	Priv.
133. Honourable Thomas McKay, settlement made under will of, confirmed.....	do
134. Nathan Gage, bequests, under will of, made valid.....	do
135. John Knatchbull Roche, estate vested in Trustees.....	do
136. Thomas Ewart, relief of representatives of.....	do
137. David Rintoul and Walter Armstrong, relief of.....	do
138. Sarah Davidson Russel, property vested in.....	do
139. John Ericsson, authorized to obtain Letters Patent for an improved Caloric Engine.....	do
140. Jules Huguenin and Joseph Lefebvre, admission to practice as Notaries, authorized.....	do
141. F. C. Capreol, disposition of certain lands by allotment, authorized.....	do

## 25 VICT.—1862.

1. Militia.....	Dom. Rep. 27 V., c. 2, s. 110.
2. Telegraphs connected with Military defence.....	Dom.
3. Supplies.....	Effete.
4. Customs Act amended.....	Dom. Rep. 31 V. c. 6, s. 138 (D)
5. Excise Act amended.....	do Rep. 27-8 V., c. 3.
6. Duty on Tavern Licenses.....	Rep. 32 V., c. 32, s. 40 (O), as inconsistent.
7. Bureau of Agriculture.....	Rep. 32 V., c. 47, s. 12 (O); 31 V. c. 53, s. 8 (D)
8. Emigrants and Quarantine.....	Rep. 32-3 V., c. 10, s. 32 (D).
9. Certain Acts continued.....	Temp. Exp.
10. Court of Appeals and Circuit Courts.....	Q.

CHAPS.

11. Registration of Titles .....	Q.
12. Lessors and Lessees .....	Q.
13. Inspectors of Police, Montreal and Quebec.....	Q. Loc.
14. Municipal Act, L. C.....	Q.
15. Public Exhibitions, L. C.....	Q.
16. Registration of Marriages, Baptisms, &c.....	Q.
17. Certain Registrations of Marriages, &c., legalized.....	Q.
18. COURT OF ERROR AND APPEAL.....	Consol. Ss. 1, 2 and 4; s. 3 Dom. Sup. 37 V. c. 4, s. 6 (D) Sup. 29-30 V., c. 51, s. 375; and Rep. 32 V., c. 6, s. 10 (O).
19. To repeal 23 Vict., c. 50, as to Recorders' Courts .....	Consol. Rep. 29 V., c. 24, s. 2.
20. LIMITATION OF ACTIONS .....	Dom.
21. Mortgages .....	Sup. 29-30 V. c. 51, 32 V., c. 32; 37 V., c. 32 (O). Rep. 32 V. c. 6, s. 22.
22. Petty Trespasses, C.S.U.C., c. 105, amended.....	Loc.
23. Issue of Shop and Tavern Licenses in Cities.....	do
24. Separation of Toronto from York and Peel.....	do
25. Expense of maintaining certain prisoners in the Common Gaol of the United Counties of York and Peel.....	do
26. Management of the Toronto Harbour .....	do
27. Separation of Peel from York.....	do
28. Biddulph and McGillivray annexed to Middlesex.....	do
29. Protection of persons holding lands on the shore of Lake Ontario, in Wentworth and Lincoln .....	do
30. County Town of Lincoln.....	do
31. Debt of the County of Hastings.....	do
32. To enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad .....	do
33. Debt of Port Hope.....	do
34. Lease of the "Queen's Square," in the Town of Lindsay.....	do
35. By-law of the Town of Perth legalized.....	do
36. Village of Lanark, incorporated.....	do
37. Village of Arnprior, incorporated.....	do
38. Side roads in the Township of Scarborough.....	do
39. Investment of Clergy Reserve moneys by the Township of Lobo legalized .....	do
40. Roads in the Township of Reach.....	do
41. Action of the Corporation of Arthur and Luther, confirmed...	do
42. Survey of the third and fourth Concessions of the Town- ship of Crowland, (Welland).....	do
43. Side lines in the Township of Kenyon, (Glengarry).....	Q. Loc
44. City of Montreal, loan for drainage by, authorized.....	do
45. City of Quebec, charter amended.....	do
46. Improvement and management of the Harbour of Quebec.....	do
47. Municipality of St. Roch, Quebec.....	do
48. Town of Lévis incorporated...	do
49. Municipality of the parish of Longueuil, land annexed to.....	do
50. Township of Aston and part of Wendover annexed to Nicolet.	do
51. Municipality of St. Pierre de Durham incorporated.....	do
52. Township of Hemmingford divided.....	do
53. Roads in the Township of Acton (Bagot).....	Q. Priv
54. First and Second Presbyterian Congregations of Hinchin- brooke, incorporated.....	do
55. Proceedings of the Trustees for the erection of a Catholic Church in the Parish of Ste. Brigide made valid.....	Priv.
56. Re-organization of the Grand Trunk Railway.....	

## CHAPS.

57. Montreal and Champlain Railroad Co., charter amended.....	Q. Priv.
58. Coburg and Peterborough Railway Co., further Act.....	Priv.
59. London and Port Stanley Railway Co., further powers.....	do
60. Brockville and Ottawa Railway Co., charter amended.....	do
61. Massawippi Valley Railway Co., incorporated.....	Q. Priv.
62. Tram, Simcoe to Port Ryerse.....	Priv.
63. Charter of the Bank of Upper Canada amended.....	do
64. Commercial Bank of Canada, incorporated.....	do
65. Merchants' Bank, Charter amended.....	Priv.
66. City and District Savings Bank of Montreal, Charter amended	Q. Priv.
67. North-West Navigation and Railway Co., incorporated....	Priv.
68. Canadian Inland Steam Navigation Co., Charter amended...	do
69. Richelieu Company, Charter amended.....	Q. Priv.
70. Pilots' for Harbour Quebec, Charter amended.....	do
71. Quebec Marine Insurance Co., incorporated.....	do
72. Trust and Loan Co., U. C., conveyances through their Com- missioners or Attorneys,...	Priv.
73. Hamilton Powder Co., incorporated.....	do
74. Toronto Cotton Mills Co., Charter amended.....	do
75. Ramsay Lead Mining and Smelting Co., Charter amended...	Q. Priv.
76. Terrebonne Turnpike Road Co., incorporated.....	do
77. Turnpike Roads Co., in Isle Jésus, incorporated.....	do
78. College of Ste. Anne de la Pocatière, Charter amended.....	do
79. Toronto Female Industrial School, incorporated.....	Priv.
80. Roman Catholic Academy of St. Paul's, (Aylmer), incor- porated.....	Q. Priv.
81. Académie Industrielle de St. Laurent, Charter amended. ....	do
82. Boys' Industrial School of the Gore of Toronto, incorporated	Priv.
83. College of Saint Ignatius, Guelph, incorporated.....	do
84. Académie de Sainte Scholastique, incorporated.....	do
85. Trustees of the Toronto General Hospital, issue of Debentures	do
86. Synod of the Diocese of Ontario, incorporated.....	do
87. Mortgaging of property of the Church of England, Brantford	do
88. Trustees of the Congregation of the Presbyterian Church of Canada, Martintown, sale of land.....	do
89. Société Ecclesiastique du Diocese St. Hyacinthe, incorporated	Q. Priv.
90. Sisters of Charity, Quebec, Charter amended.....	do
91. Sisters of Our Lady of Loretto, of Guelph, incorporated.....	Priv.
92. Sisters of St. Joseph (Guelph), incorporated.....	do
93. Sisters of St. Joseph (Toronto), Charter amended.....	do
94. Société de l'Union St. Pierre de Montreal, incorporated.....	Q. Priv.
95. Société de l'Union St. Roch, incorporated.....	do
96. Association St. Francois Xavier de Montreal, incorporated...	do
97. Orphans' Home and Widows' Friend Society (Kingston), in- corporated.....	Priv.
98. Quebec Ship Labourers' Benevolent Society, incorporated...	Q. Priv.
99. St. George's Benevolent Society of Hamilton, incorporated...	Priv.
100. Montreal Racket Club, incorporated.....	Q. Priv.
101. Victoria Skating Club of Montreal, incorporated.....	do
102. Natural History Society, Montreal, Charter amended.....	do
103. David B. Ogden Ford, relief of representatives.....	Priv.
104. William Campbell, estate vested in Trustees.....	do
105. Will of Nathan Gage.....	do
106. Gelson Sanford, naturalized.....	do
107. Isaac Rogers, naturalized.....	do
108. Moise Martin Mitivier, admission to practice medicine, &c...	do
109. David Allan Poe, name changed.....	do



CHAPs.

## 26 VICT.—1863.

1. To enable County Councils to raise money for assisting persons to sow their land.....	Temp. Exp.
2. To enable Local Councils to raise money for assisting persons to sow their land.....	Temp. Exp. (Q).
3. Inspection of Wheat and other Grain.....	Dom. Rep. 36 V. c. 49, s. 20 (D)
4. Sureties of Public Officers on the Separation of Counties and Townships .....	Consolidated 36 V. c. 48, ss. 59-61 (O).
5. SEPARATE SCHOOLS.....	Consol.
6. Royal Institution for the advancement of Learning, L. C. ....	Q.
7. Division of Lower Canada into Counties.....	Q.
8. County of Saguenay divided into two Municipalities.....	Q. Loc.
9. Doubts removed as to the representation in the Legislative Council of the Townships of Osgoode and Gloucester, in the County of Carleton.....	Effete.
10. Separation of Peterborough and Victoria, confirmed.....	Loc.
11. By-law Number Seven of County of Renfrew, legalized.....	do
12. Investment of certain Clergy Reserve Moneys, &c., by the Corporation of the Township of Malahide, legalized.....	do
13. Town of Niagara and the Townships of Gainsborough and Caistor, exempted from taxation arising out of the assumption by the Corporation of Lincoln, of the Queenston and Grimsby Road.....	do
14. Side lines, Township of Fitzroy (Carleton).....	do
15. Great Western Railway Co., Charter amended.....	Priv.
16. Hamilton and Port Dover Railway Co., Charter amended....	do
17. Buffalo and Lake Huron Railway Co., Charter amended....	do
18. Oil Springs Road Co., incorporated .....	do
19. International Bridge Co., incorporated.....	do
20. Quebec Bank, Charter amended .....	do
21. Montreal Exchange Association, incorporated .....	do
22. St. Mary's Elevating and Grain Warehousing Co., incorporated	do
23. Quebec Elevator Co., incorporated.....	do
24. Canadian Rubber Co., incorporated.....	do
25. Durham Mining and Smelting Co., incorporated.....	Q. Priv.
26. Wickham Mining and Smelting Co.....	do
27. Mechanics' Institute of Montreal, loan by, authorized.....	do
28. District Permanent Building Society of Montreal, constituted..	do
29. St. James' Club of Montreal, issue of Stock authorized.....	Priv.
30. Hamilton Masonic Hall Association, incorporated.....	do
31. Huron College, incorporated.....	do
32. Hilaire Théberge, levy of Tolls on a Bridge erected by him over the south branch of the River Yamaska, authorized...	Q. Priv.
33. Ecclesiastical Society of the Diocese of St. Hyacinthe, charter amended.....	do
34. Jewish Congregation Anshe-Sholem of Hamilton, incorporated.	Priv.
35. Les Sœurs de la Charité de la ville de Lévis, incorporated ...	Q. Priv.
36. St. Patrick's Society of Montreal, incorporated.....	do
37. St. Patrick's Benevolent Society of Montreal, incorporated...	do
38. Union of St. Jean Baptiste, of the Village of St. Jean Baptiste, incorporated.....	do
39. Honourable Charles Jones, relief of the Devises of.....	Priv.
40. Harriot Judith Hart, sale of the immovable property of, authorized .....	do
41. Affidavits, declarations and affirmations made out of this Province, for use therein.....	Rep. 34. V., c. 14. s. 1. (O)
42. PERSONS DYING IN ANY PROVINCIAL LUNATIC ASYLUM.....	Consol.

CHAPS. 1

43. Fire Insurance Companies not incorporated within the Province .....	Dom. Rep. 31 V. c 48, ss. 21 & 24 (D)
44. JURORS' ACT, AMENDED .....	Consol.
45. LAWS AFFECTING TRADE AND COMMERCE, AMENDED .....	do
46. MORTGAGES AND SALES OF PERSONAL PROPERTY .....	do
47. County Town of Lincoln, By-law changing it, confirmed .....	Loc.
48. Debt of the Town of Cobourg .....	do
49. Management and control of that portion of the London and Port Stanley Gravel Road, in St. Thomas, continued in County of Elgin .....	do
50. Side Lines, &c., in the Township of North Dorchester .....	do
51. Township of Vincent, collection of tolls by, authorized .....	do
52. Port Warden for the Harbour of Montreal .....	Q. Loc.
53. Quebec Trinity House .....	do
54. Village of Chicoutimi erected into a separate Municipality .....	do
55. Error in the Letters Patent erecting the Protestant Parishes of Saint Thomas and Saint George, corrected .....	do
56. Niagara District Bank, Charter amended .....	Priv.
57. Gore Bank, Charter amended .....	do
58. Provincial Insurance Co. of Canada, Charter amended .....	do
59. St. Lawrence Tow Boat Co., incorporated .....	Q. Priv.
60. Peel General Manufacturing Co., incorporated .....	do
61. Ascot Mining Co., incorporated .....	do
62. Montreal Protestant House of Industry and Refuge, incorporated .....	do
63. The Girls' Home and Public Nursery of Toronto, incorporated .....	Priv.
64. Trustees of St. Andrews' Church (Lanark), sale of land by, authorized .....	do
65. New Church signified by the New Jerusalem in the Revelation, in L. C., solemnization of Matrimony by Ministers of, authorized .....	Q. Priv.
66. Peter Taylor Poussett, admission as an Attorney, authorized .....	Priv.
67. Thomas Edouard Belle Isle, admission to practise Medicine, &c., authorized .....	do
68. Elijah Rowell and Thomas Merrill Prime, admission to practice Medicine &c., authorized .....	do
69. Pierre Auguste Joseph Crevier, admission as a Notary in Lower Canada, authorized .....	do
70. James Grimes, sale of Real Estate by Trustees and Executors of, to pay his debts, authorized .....	do

## 27 VICT.—1863.

1. Supplies .....	Effete.
2. Militia .....	{ Dom. Rep. so far as inconsistent 31 V. c. 40, s. 99 (D)
3. VOLUNTEER MILITIA FORCE .....	do do Sec. 20 Consol.
4. Duties of Customs .....	do Rep. 31 V. c. 6, s. 138 (D)
5. To revive and continue several Acts .....	do Temp. Exp.
6. Savings Banks .....	do do do
7. Inspection of Pot and Pearl Ashes .....	do Rep. 36 V. c 49, s. 20 (D)
8. Qualification and registration of voters, L. C. ....	Q.
9. Municipal Act, L. C., amended .....	Q.
10. Erection of Parishes, Fabrique Meeting, &c. ....	Q.
11. Cost of collection of School Rates, L. C. ....	Q.
12. Partition of Township Lands held in common .....	Q.
13. COMMON LAW PROCEDURE .....	Consol.
14. COUNTY COURTS .....	do

## CHAPS.

15. SALES OF LAND UNDER EXECUTION AGAINST EXECUTORS AND ADMINISTRATORS .....	Consol.
16. Municipal Institutions Act, sec. 275, extended .....	Sup. 29-30 V. c. 51, s. 100; 36 V. c. 48, ss. 104-6 and 112-114 (O).
17. Municipal Corporations, investment of surplus Clergy Reserve Money for educational purposes .....	Sup. 29-30 V. c. 51, ss. 276 and 277; 36 V. c. 48, ss. 270-272 (O); and 37 V. c. 28, ss. 87 (7) and 153.
18. Summary Convictions under Municipal By-Laws .....	Sup. 36 V., c. 48, ss. 1 (3), 310, 322 and 323 (O).
19. Assessment Act amended .....	Rep. 29-30 V., c. 53, s. 205.
20. PROTECTION OF SHEEP .....	Consol.
21. Recorder's Court of the City of Quebec .....	Q.
22. City of St. Hyacinth, Act of Incorporation amended .....	Q. Loc.
23. Town of Joliette, incorporated .....	do
24. Town of Beauharnois, incorporated .....	do
25. Agricultural Society in and for the United Counties of Chicoutimi and Saguenay .....	Q.
26. Public Records and Documents destroyed by fire of the Gaol and Court-house of the District of Kamouraska, means for supplying loss of .....	Q.
27. New Municipalities in the Counties of Drummond and Arthabaska .....	Q. Loc.
28. Townships of Windsor and Stoke (Richmond), separated ..	do
29. Township of Tring (Beauce), divided .....	do
30. Townships of North and South Ham (Wolfe), separated .....	do
31. Proceedings of the Municipality of the Township of Orford, confirmed .....	do
32. Montreal Turnpike Roads Acts and Ordinances amended as regards the Victoria Road .....	do
33. Council of the Parish of Ste. Cécile authorized to fix certain rates of toll .....	do
34. Side lines in the Township of Bristol (Pontiac) .....	do
35. North and South Ridings of the County of Waterloo, re-united for registration purposes .....	Loc.
36. Town of Sarnia, issue of Debentures authorized .....	do
37. Municipal Council of Dereham, loan of Clergy Reserve Moneys for drainage works, authorized .....	do
38. Village of Aurora, raising of Public Moneys restricted .....	do
39. Village of Cayuga, sale of part of the Market Block authorized ..	do
40. Exchange of Lands agreed upon between the Rector and Churchwardens of St. Paul's Church, London, and the City of London, legalized .....	do Priv.
41. City Bank, Charter amended .....	Priv.
42. Molson's Bank, Charter amended .....	do
43. La Banque Jacques Cartier, Charter amended .....	do
44. Merchants' Bank, charter amended .....	do
45. Colonial Bank, the International Bank, Clifton Bank and Bank of Western Canada Acts of incorporation, repealed .....	do
46. Institution of <i>Crédit Foncier</i> , L. C., established .....	do
47. Western Canada Loan Company, Acts amended .....	do
48. Agricultural Loan Association of Canada, Charter amended ..	do
49. Lower Canada Investment and Agency Company (Limited), incorporated .....	do

## CHAPS.

50. London and Canadian Loan and Agency Company (Limited), incorporated.....	Priv.
51. The Accident Assurance Company incorporated.....	do
52. Middlesex Mutual Fire Insurance Company name changed ...	do
53. Grand Trunk Arrangements Act, 1862, errors corrected.....	do
54. Grand Trunk Railway Co. Terminus in Montreal.....	do
55. Northern Railway of Canada, Acts amended.....	do
56. Preston and Berlin Railway, purchase of, authorized.....	do
57. Brockville and Ottawa Railway Co., re-organized.....	do
58. Stanstead, Shefford and Chambly Railroad Company, charter amended.....	do
59. The Erie and Niagara Railway Co., organized.....	do
60. Legality of certain instruments connected with the Peterborough Branch of the Port Hope, Lindsay and Beaverton Railway, doubts as to, removed.....	do
61. Quebec Street Railway Company incorporated.....	do
62. Marie Louise Levasseur authorized to collect tolls on a bridge over the River Becancour, (Nicolet).....	do
63. Montreal and Salaberry Steamboat Co., incorporated.....	do
64. Bay of Quinté and River St. Lawrence Steamboat Co. incorporated .....	do
65. Kingston Marine Railway .....	do
66. Sutton Mining Company incorporated .....	Q. Priv.
67. Leeds Copper Mining and Smelting Co. incorporated .....	do
68. Upton Copper Mining and Smelting Co. incorporated .....	do
69. Harvey Hill Mining and Smelting Co .....	do
70. St. Flavien Mining and Smelting Co. incorporated .....	do
71. Missisquoi Mining and Smelting Co. incorporated.....	do
72. Vale Mining Co. incorporated.....	do
73. Logan Mining and Smelting Co. incorporated.....	do
74. Drummondville Mining Co. incorporated .....	do
75. Clark Mining and Smelting Co. incorporated.....	do
76. North Sutton Mining and Smelting Co. incorporated .....	do
77. South Acton Mining Co. incorporated.....	do
78. Orford Mining and Smelting Co. incorporated .....	do
79. South Sherbrooke Mining and Smelting Co. incorporated.....	do
80. Royal Mining Company of Canada East incorporated .....	do
81. Grand Division and Subordinate Divisions of the Order of the Sons of Temperance, Acts amended.....	Priv.
82. La Société de l'Union St. Joseph de St. Jean d'Iberville incorporated .....	Q. Priv.
83. German Benevolent Society of Quebec incorporated.....	do
84. Benevolent and Mutual Aid Society of Industry incorporated .....	do
85. Congregation St. Michel de Sorel, incorporated .....	do
86. Lay Association of the Presbyterian Church of Canada, in connection with the Church of Scotland, at Montreal, incorporated .....	do
87. Church Society of the Diocese of Toronto, sale of Rectory lands, Peterborough, authorized.....	Priv.
88. Sale of certain property of the Presbyterian Church of the Township of Pickering .....	do
89. Succession of Trustees of the Church and Manse property belonging to St. Andrew's Church, Fergus, &c .....	do
90. Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa, Charter amended .....	do
91. Lacolle Academy incorporated .....	Q. Priv.
92. Toronto Club incorporated .....	Priv.
93. Sale of the Lands belonging to the Estate of John Speirs.....	do
94. John Henry Dumble, admission as an Attorney authorized...	do



## 27-28 VICT.—1864.

## CHAPS.

1. Supplies .....	Effete.
2. Duties of Customs .....	Dom. Rep. 31 V. c. 6, s. 138 (D)
3. Duties of Excise .....	do Rep. 31 V. c. 8, s. 1 (D)
4. Duties on Promissory Notes and Bills of Exchange .....	do Sup. 31 V. c. 9 See s. 18.
5. COLLECTION BY MEANS OF STAMPS, OF FEES, &C., PAYABLE TO THE CROWN UPON LAW PROCEEDINGS, &C. ....	Consol.
6. Public Accounts and Board Audit .....	Rep. 39 V., c. 7, Sched. A. (O). Rep. 31 V. c. 5, s. 62 (D).
7. ACCEPTANCE OF CERTAIN INCORPORATED COMPANIES, AS SURETIES FOR PUBLIC OFFICERS .....	Sec. 2, Consol. ; s. 1, Sup. 32 V., c. 29, s. 16, and 36 V., c. 6, s. 4.
8. Provision for the Geological Survey .....	Dom. Rep. 40 V. c. 9, s. 12 (D)
9. Gold Mines .....	Rep. 31 V., c. 19, s. 1 (O).
10. Militia and Volunteer Militia .....	Dom. Rep. so far as inconsistent, 31 V. c. 40, s. 99
11. Ocean Mail Service .....	do Temp. Exp.
12. Improvements in the Navigation of the River St. Lawrence, placed under the control of the Commissioner of Public Works .....	Q. or Dom.
13. Navigation of Canadian Waters .....	Dom. Rep. 31 V. c. 58, s. 1 (D)
14. Investigation into Shipwrecks .....	do Rep. 32-3 V. c. 38, s. 12 (D)
15. Inspection of Steamboats .....	do Rep. 31 V. c. 65, s. 50 (D)
16. Emigrants and Quarantine .....	do Rep. 32-3 V. c. 10, s. 32 (D)
17. Insolvency .....	do Rep. 32-3 V. c. 16, s. 154 (D)
18. SALE OF INTOXICATING LIQUORS AND THE ISSUE OF LICENSES	Consol.
19. Accessories to Indictable Offences .....	Dom. Rep. 32-3 V. c. 36 (D)
20. Appointment of Magistrates in remote parts .....	Q.
21. Inspection of Raw Hides and Leather .....	Dom. Rep. 36 V. c. 49, s. 20 (D)
22. PHYSIC, SURGERY, AND THE STUDY OF ANATOMY .....	Consol.
23. Charters of Incorporation to Manufacturing and other Com- panies .....	Rep. as to future in- corporations, 37 V. c. 35, s. 59 (O); 32-3 V. c. 13, s. 56 (D)
24. To continue several Acts .....	Temp. Exp.
25. ARREST AND IMPRISONMENT FOR DEBT .....	Consol.
26. SURROGATE COURTS .....	do
27. DIVISION COURTS .....	do
28. OFFICE OF SHERIFF .....	do
29. STAT. LIMITATIONS, WILD LANDS .....	Rep. 31 V., c. 26, s. 1 (O).
30. Overholding Tenants .....	s. 1 (O).
31. SHORT FORMS OF MORTGAGES .....	Consol.
32. To quiet titles to certain properties sold by lot .....	Occ.
33. COURTS OF GENERAL QUARTER SESSIONS OF THE PEACE .....	Consol.

## CHAPS.

34. Jurisdiction of Police Magistrates in Towns.....	Effete. See 32 V. c. 6, ss. 10 & 11 (O); and 32-3 V. c. 32, s. 1 (D).
35. JUSTICES OF THE PEACE IN PROVISIONAL JUDICIAL DISTRICTS.	Consol.
36. INFORMERS SUING FOR PENALTIES, SECURITY FOR COSTS BY.....	Consol.
37. Municipal Institutions.....	Sup. 29-30 V., c. 51, ss. 51 and 73; 36 V., c. 48, ss. 45 and 75.
38. Mutual Insurance Companies ....	Rep. 36 V., c. 44, s. 78 (O).
39. Sales, <i>en justice</i> and of Confirmations of title, taking of <i>Enquêtes</i> , &c.....	Q.
40. Registration of titles, L. C.....	Q.
41. Jurors and juries, L. C.....	Q.
42. Execution of Wills, L. C.....	Q.
43. <i>Qui tam</i> actions, in L. C.....	Q.
44. Certain deeds passed before Notaries now deceased, made valid	Q. Occ.
45. Transmission of the Records of abolished Courts, to the New Judicial Districts.....	Q.
46. Municipalities and Roads in L. C.....	Q.
47. Summary Convictions under Municipal By-laws, in L. C.....	Q.
48. Tavern Keepers and the Sale of Intoxicating Liquors, L. C...	Q.
49. Partition of Township Lands held in Common, L. C.....	Q.
50. Agricultural Societies, L. C., annual meetings of.....	Q.
51. Medical Profession and the Sale of Drugs, L. C.....	Q.
52. Protection of insectivorous and other birds beneficial to Agriculture.....	Rep. 36 V., c. 45, s. 1 (O).
53. Religious Societies, Appointment of successors to Trustees....	Rep. 39 V. c. 7, s. 21 (O)
54. L'Assomption, Joliette, and Montcalm, Representation of in the Legislative Assembly .....	Q.
55. Monument erected at St. Foy, in memory of the brave men of 1760 .....	Q.
56. Storing of gunpowder in and near Montreal and Quebec.....	Q.
57. Trinity House of Quebec.....	Q. Loc.
58. Trinity House at Montreal.....	Q.
59. City of Quebec, issue of Debentures for the enlargement of the Gates of.....	Q. Loc.
60. City of Montreal, Charter amended .....	do
61. City of Three Rivers, Charter amended.....	do
62. Municipality of St. Colombe de Sillery, powers extended.....	do
63. Parishes of Ste. Brigitte, Ste. Wenceslas, St. Célestin, St. Leonard and Ste. Éulalie, in the County of Nicolet.....	do
64. Municipalities of Kingsey Falls and South Durham (Drummond, .....	do
65. Municipalities in the Counties of Wolf and Arthabaska, limits changed .....	do
66. Parish of St. Gabriel de Brandon .....	do
67. Township of Lochaber (Ottawa), divided into Lochaber and St. Malachy .....	do
68. Tenure of the Indian lands in the township of Dundee (Huntingdon) .....	do
69. Huron Indians of La Jeune Lorette, cutting of wood in their Reserve.....	do
70. Islands Du Moine and Des Barques, government of.....	do
71. Board of Trade, Hamilton, incorporated .....	Priv.
72. Debenture Debt of the City of Hamilton .....	Loc.
73. Debt of the Town of Bowmanville .....	do
74. Debt of the Town of St. Thomas .....	do
75. Village of Caledonia, issue of debentures .....	do
76. Village of Yorkville, issue of debentures .....	do
77. County Town of the County of Bruce .....	do
78. Town of Napanee, incorporated.....	do

## CHAPS.

79. Side roads, &c., in the Township of King .....	Loc.
80. Township of Bedford .....	do
81. Institution of Landed Credit ( <i>Crédit Foncier</i> ), Act amended.	Q. Priv.
82. Eastern Townships Bank, Charter amended .....	do
83. Merchant's Bank, Charter amended .....	Priv.
84. Royal Canadian Bank, incorporated .....	do
85. Montreal and Champlain Railroad Company, powers and station in Montreal .....	do
86. Port Hope, Lindsay and Beaverton Railway Co., reorganization .....	do
87. Waterloo and Saugeen Railway Co. ....	do
88. Stratford and Huron Railway Co., Act revived and amended.	do
89. Welland Railway Company Charter amended.....	do
90. Fergus, Elora and Guelph Railway Co. incorporated.....	do
91. Chaudière Valley Railway Co. incorporated.....	Q. Priv.
92. Massawippi Valley Railway Co. Charter amended.....	do
93. Wellington, Grey and Bruce Railway Co. incorporated.....	Priv.
94. Ottawa River Navigation Co. incorporated.....	do
95. Beauharnois, Chateauguay, and Huntingdon Navigation Co. incorporated. ....	Q. Priv.
96. Mussassaga River Improvements Co. incorporated.....	Priv.
97. Provincial Forwarding Co. (Limited) incorporated.....	Q. Priv.
98. Canada Marine Insurance Co. Charter amended.....	do
99. Beaver Mutual Fire Insurance Association, powers granted...	Priv.
100. Canada Company Charter amended.....	do
101. Canada West Farmers' Mutual and Stock Insurance Co. ....	do
102. Western Permanent Building Society, relief of.....	do
103. U. and L. C. Bridge Co., Charter extended .....	do
104. Joseph Barsalou, levy of Tolls on a Bridge over the River Yamaska.....	Q. Priv.
105. Eastern Townships Eldorado Gold and Copper Mining Co., incorporated ...	do
106. Ophir Gold Mining Co. incorporated.....	do
107. River Famine Gold Mining Co. incorporated.....	do
108. Du Loup Gold Co., incorporated .....	do
109. Atlas Gold Mining Co., incorporated .....	do
110. South Ham Gold and Copper Mining Co. incorporated.....	do
111. Kennebec Gold Mining Co. incorporated.....	do
112. Havalah Gold Mining Co. incorporated.....	do
113. Magog Gold Mining Co. incorporated .....	do
114. Bunker Hill Gold Mining Co. incorporated .....	do
115. St. Lawrence Mining Co. Charter amended .....	do
116. Belvidere Mining and Smelting Co. incorporated .....	do
117. Stadacona Mining and Smelting Co. incorporated .....	do
118. St. Francis Mining and Smelting Co. ....	do
119. Alliance Mining and Smelting Co. ....	do
120. Sherbrooke Mining and Smelting Co. incorporated .....	do
121. Halifax Mining Co. incorporated .....	do
122. Lévis Mining Co. incorporated .....	do
123. Massawippi Mining Co. incorporated.....	do
124. Yamaska Mining Co., incorporated .....	do
125. Reid Hill Mining Co. incorporated.....	do
126. South-Eastern Mining Co. of Canada, Charter amended ...	do
127. Marrington Canada Mining Co. (Limited), incorporated.....	do
128. Escott Mining Co. of Canada, incorporated.....	Priv.
129. Canada Exploring and Mining Co. incorporated.....	do
130. British American Exploring and Mining Association .....	do
131. The Portlock Harbour Mining Co.....	Q. Priv.
132. Consolidated Copper Co., incorporated .....	do
133. Bedford Copper Co. incorporated .....	do
134. The Huntington Copper Co. incorporated .....	do
135. Lower Canada Copper Mining Co. incorporated .....	do
136. Canada Copper Co. incorporated.....	Priv.
137. Carleton Lead Mining Co. incorporated.....	Q. Priv.
138. Nicolet Antimony Mining Co. incorporated.....	

## CHARTS.

139. The Lancaster Oil Co. ....	Priv.
140. Grand Temple and Subordinate Temples of the Independent Order of Good Templars of Canada incorporated. ....	Priv.
141. Grand and Subordinate Divisions of the Sons of Temperance in Canada East, incorporated. ....	Q. Priv.
142. Art Association of Montreal, establishment of an Art Union ..	do
143. Canadian Literary Institute of Woodstock, Charter amended ..	Priv.
144. Ibergville Academy, Charter amended ..	Q. Priv.
145. Children's Industrial School of Hamilton incorporated. ....	Priv.
146. Humane Society of Canada incorporated. ....	do
147. French Canadian Butchers' Benevolent Society of Montreal incorporated. ....	Q. Priv.
148. Yamaska Dispensary incorporated. ....	do
149. Asylum of the Good Shepherd of Quebec, Charter amended. ....	do
150. Ladies, Protestant House of Refuge of London incorporated ..	Priv.
151. Les Sœurs du Précieux Sang of St. Hyacinthe incorporated. ....	Q. Priv.
152. Seamen's Union Bethel, Montreal, incorporated ..	do
153. L'Union St. Louis de la Côte St. Louis incorporated. ....	do
154. Quebec Typographical Society incorporated. ....	do
155. St. Joseph Union Society of the City of Ottawa incorporated ..	do
156. L'Union St. Jacques de Montreal incorporated ..	do
157. Trinity Church, Montreal, loans sanctioned to complete ..	do
158. Queen Street School Property (Kingston), sale authorized ..	Priv.
159. St. James' Church (Carleton Place), lease of certain minerals on Church Lands authorized. ....	do
160. Presbyterian Church, Township of Elgin, sale of real estate by trustees of, authorized. ....	do
161. St. Gabriel Street Church and Manse at Montreal, succession of Trustees to the property of ..	Q. Priv.
162. Congregational College of British North America incorporated ..	Priv.
163. Trustees of the American Presbyterian Society of Montreal incorporated. ....	Q. Priv.
164. John Gray, will of. ....	Priv.
165. Lieutenant-General Sir William Johnston, K. C. B., sale by trustees of, authorized ..	do
166. William Berezy and others, disposition of lands in Seigniori of Daillebout authorized ..	do
167. Honourable Edmund Murney, sale of land by executrix of ..	do
168. John Whyte, disposition of certain property by trustees of. ....	do
169. Administration of the estates of Robert Shaw Miller, and Eliza Mitchell, his wife. ....	do
170. Charles Lawrence Herchmer, conveyance of land sold by. ....	do
171. Honourable Michael Hamilton Foley, admission as a Barrister-at-Law authorized. ....	do
172. John Thompson Huggard, admission of, as a Barrister, &c., authorized ..	do
173. John Porterfield, naturalization of. ....	do
174. Stirling Dupree Payne, naturalization of. ....	do
175. James Benning, relief of. ....	do

## 28 VICT.—1865.

1. Repression of Outrages on the Frontier. ....	Dom. Temp. Exp.
2. Punishment of persons enticing Her Majesty's subjects to enter foreign service. ....	Dom.
3. Supplies ..	Effete.
4. To continue for a limited time, several Acts. ....	Temp. Exp.
5. Ocean Mail Service. ....	Dom. Temp. Exp.
6. Weighing, Measuring, and Gauging of certain articles. ....	Dom. Amended 36 V. c. 47, s. 52 (D)
7. Validity of Acts performed in Canada by certain Clergymen ordained in Foreign Parts ..	Occ.



## CHAPS.

8. PROPERTY IN SWARMS OF BEES . . . . .	Consol.
9. Limits of certain counties in Lower Canada declared . . . . .	Q. Loc.
10. County of Verchères, certain Islands included in . . . . .	do
11. Appointment of Magistrates in remote parts . . . . .	do
12. Houses of Correction, Court Houses and Gaols, L. C. . . . .	Q.
13. Mutual Insurance Cos., L.C. . . . .	Q.
14. Stevedores and Liners in Harbour of Montreal . . . . .	Q.
15. Newspapers, &c., L.C. . . . .	Q.
16. St. Roch, Quebec South, powers . . . . .	Q.
17. COURT OF CHANCERY . . . . .	Consol.
18. PROHIBITION AND WRITS OF MANDAMUS . . . . .	do
19. INTERPLEADING . . . . .	do
20. Police Magistrates . . . . .	Temp. Exp.
21. ATTORNEYS . . . . .	Consol.
22. Selling Liquor without License . . . . .	Sup. 29-30 V. c. 51, s. 254. Rep. as inconsistent with 37 V., c. 32, ss. 21-4 & 35. Rep. 35 V., c. 33, s. 10 (O).
23. Joint Stock Cos. for the Construction of Roads . . . . .	Rep. 35 V., c. 33, s. 10 (O).
24. To enable County Councils to raise money for assisting persons to sow their land . . . . .	Temp. Exp.
25. By-laws and Debentures of Frontenac and Lennox and Addington, legalized . . . . .	Loc.
26. Debt of the Town of Woodstock . . . . .	do
27. By-law of the Town of Napanee, legalized . . . . .	do
28. Debt of the town of Ingersoll . . . . .	do
29. By-law of the Town of Port Hope, legalized . . . . .	do
30. Village of Lanark, sale of certain land by, and application of the proceeds to the erection of a Lock-up, authorized . . . . .	do
31. Re-survey of part of the Township of Portland (Frontenac), authorized . . . . .	do
32. Mechanics' Bank, incorporated . . . . .	Dom. Priv.
33. Niagara District Bank, Charter amended . . . . .	do
34. Agreement between the G. T. R. Co., the G. W. R. Co. and the N. R. Co., relating to the Toronto Esplanade, confirmed . . . . .	Loc. Priv.
35. Ottawa and Prescott Railway Co., relief of . . . . .	Priv.
36. Hamilton and Port Dover Railway Co., charter amended . . . . .	do
37. Doon and Galt Railway Co., incorporated . . . . .	do
38. Grey and Simcoe Railway Co., incorporated . . . . .	do
39. Quebec Street Railway Co., charter amended . . . . .	Q. Priv.
40. Canadian Land and Emigration Company (Limited) . . . . .	Priv.
41. London Perm. B. and S. Soc., amalgamation with the Huron and Erie Savings and Loan Soc. . . . .	do
42. Montreal Investment Association, incorporated . . . . .	Q. Priv.
43. The Sun Insurance Co., of Montreal, incorporated . . . . .	do
44. Quebec Marine Insurance Co., charter amended . . . . .	do
45. Richelieu Company, charter amended . . . . .	do
46. St. Lawrence Tow Boat Co., charter amended . . . . .	do
47. Canadian Engine and Machinery Co. . . . .	Priv.
48. Montreal Warehousing Co., incorporated . . . . .	Q. Priv.
49. High School of Quebec, charter amended . . . . .	do
50. Education Society of the District of Quebec, charter amended . . . . .	do
51. Clarenceville Academy, incorporated . . . . .	do
52. Academy of Music, Montreal, incorporated . . . . .	do
53. Presbyterian College of Montreal, incorporated . . . . .	do
54. Church Society of the Diocese of Toronto, Act of incorporation amended . . . . .	Priv.
55. Trustees of the Wesleyan Methodist Church in Canada, management, &c., of Trust Properties . . . . .	do
56. U. C. Free Baptist Missionary Society, incorporated . . . . .	do
57. Church Society of the Diocese of Toronto, sale of Glebe Lots in Darlington authorized . . . . .	do

## CHAPS.

58. St. Thomas Cemetery Co., incorporated .....	Priv.
59. Montreal Homœopathic Association, incorporated .....	Q. Priv.
60. German Society of Montreal, incorporated .....	do
61. Irish Protestant Benevolent Society of Montreal, incorporated .....	do
62. The Orphans' Home of the City of Ottawa, incorporated .....	Priv.
63. L'Union St. Jacques de Montreal, charter amended .....	Q. Priv.
64. L'Union St. Joseph of Three Rivers, incorporated .....	do
65. L'Union St. Joseph de St. Joseph de Lévis, incorporated .....	do
66. L'Union St. Joseph de Montreal, charter amended .....	do
67. Société de l'Union St. Pierre de Montreal, charter amended .....	do
68. L'Union St. Roch de Montreal, incorporated .....	do
69. L'Union St. Michel des Saints de Montreal, incorporated .....	do
70. L'Union St. Joseph de la Ville de Lévis, incorporated .....	do
71. La Société St. Ignace de Montreal, incorporated .....	do
72. Association St. François Xavier de Montreal, charter amended .....	do
73. Ottawa Skating and Curling Club, incorporated .....	Priv.
74. John David Smith, relief of the Trustees and Devises of ..	do

## 29 VICT.—1865.

1. PROVISIONS CONCERNING BOTH HOUSES OF THE PROVINCIAL PARLIAMENT .....	Consol.
2. Supplies .....	Effete.
3. Duties of Excise .....	Dom. Rep. 31 V. c. 8, s. 1 (D)
4. Duties on Promissory Notes and Bills of Exchange .....	do Sup. 31 V. c. 9 (D)
5. Railway Postal Subsidies .....	do Sup. 31 V. c. 10, s. 2 (D)
6. Militia .....	{ do Rep. so far as inconsistent. 31 V. c. 40, s. 99 (D)
7. Public Works connected with the defence of the Province ..	{ Rep. 32 V. c. 28, s. 56 (O); 31 V. c. 12, s. 73 (D), so far as inconsistent
8. Prevention of contagious diseases at Military and Naval Stations .....	Dom. Temp. Exp.
9. The Gold Mining Act, amended .....	Rep. 31 V., c. 19. s. 1. (O).
10. Bureau of Agriculture .....	Rep. 32 V., c. 47, s. 12 (O).
11. Fishing and Fisheries .....	Dom. Rep. 31 V. c. 60, s. 20 (D)
12. QUALIFICATION OF JUSTICES OF THE PEACE .....	Consol.
13. Abolishing the punishment of death .....	Dom. Rep. 32-3 V. c. 36 (D)
14. For the punishment of Kidnapping .....	do do
15. To prevent spreading of disorders affecting certain animals ...	do Rep. 32-3 V. c. 37, s. 33 (D)
16. ALIENS, TO ENABLE TO TRANSMIT AND TAKE REAL PROPERTY BY DESCENT .....	Consol.
17. ASSURANCES ON THE LIVES OF HUSBANDS AND PARENTS .....	do
18. Insolvent Act of 1864, amended .....	Dom. Rep. 32-3 V. c. 16, s. 154 (D)
19. ADDITIONAL FACILITIES IN COMMERCIAL TRANSACTIONS .....	{ Consol. except as to Banks; Sup. as to Banks, 34 V. c. 5 (D)

CHAPS.

20. Charters of Incorporation to Manufacturing and other Cos.	{ Rep. as to future incor- porations, 37 V. c. 35, s. 59 (O); 32-3 V. c. 13, s. 56 (D)
21. Joint Stock Manufacturing and other Cos.	do. do.
22. Co-OPERATIVE ASSOCIATIONS	Consol.
23. Grammar Schools	Rep. 37 V., c. 27. s. 103 (O).
24. Registrars, Registry Offices, &c.	{ Rep. 31 V., c. 20, s. 2 (O), so far as inconsistent. Ss. 80 and 81 (D).
25. QUIETING TITLES TO REAL ESTATE	Consol.
26. To declare valid certain Sales of Lands	Occ.
27. SHORT FORMS OF MORTGAGES	Consol.
28. LAW OF PROPERTY AND TRUSTS IN U. C.	do.
29. Attorneys	Repeals C. S. U. C., c. 35, s. 3 (5).
30. COUNTY COURTS	Consol.
31. DIVISION COURTS	do.
32. COSTS OF ARBITRATIONS	do.
33. MASTER AND SERVANT	do.
34. Qualifications of Practitioners in Medicine and Surgery	{ Rep. 32 V., c. 45, s. 1 (O); 37 V., c. 30, s. 1 (O).
35. Qualifications of Practitioners in Medicine, &c., Supplement- ary Act.	{ Rep. 32 V., c. 45, s. 1 (O); 37 V., c. 30, (O).
36. JOINT STOCK ROAD COMPANIES	Consol.
37. Mutual Assurance Companies	Rep. 36 V., c. 44, s. 78 (O).
38. PERMANENT BUILDING SOCIETIES	Consol.
39. Tax on Dogs, and protection of Sheep	Rep. 29—30 V., c. 55, s. 1.
40. TO PREVENT THE SPREADING OF CANADA THISTLES	Consol.
41. Civil Code of Lower Canada.	Q.
42. Court of Queen's Bench in L. C.	Q.
43. Procedure in the Superior and Circuit Courts, L. C.	Q.
44. The authentication of Certificates of Discharge, executed before witnesses.	Q.
45. Protection and enforcement of Corporate Rights	Q.
46. Seditious and unlawful Associations and Oaths	Dom. Q.
47. Notarial Profession.	Q.
48. Education, Lower Canada.	Q.
49. Collection of School Rates, St. Hyacinthe.	Q. Loc.
50. Municipal Act L. C.	Q.
51. Erection of Towns and Villages in L. C.	Q.
52. Building and repairing of Churches, Parsonage Houses and Church-yards, L. C.	Q.
53. Preservation of Standing Timber, L. C.	Q.
54. Prosecutions under the Act respecting Tavern-Keepers and the Sale of Intoxicating Liquors	Q.
55. Counties of Rimouski and Gaspé, limits of	Q. Loc.
56. Ship Channel between Montreal and Quebec	do
57. City of Quebec Water Works.	do
58. City of Montreal. Acts relating to explained.	do
59. Appointment of a Port Warden for the harbour of Montreal	do
60. Town of Levis, Acts of Incorporation amended	do
61. Town of Berthier incorporated.	do
62. Municipality of Kingsey Falls (Drummond)	do
63. Survey of the Township of Bulstrode (Arthabaska) confirmed	do
64. Survey of a portion of the Township of Ely (Shelford) confirmed.	do

## CHARTS.

65. Separation of the Counties of Renfrew and Lanark .....	Loc.
66. Separation of Huron and Bruce .....	do
67. By-laws and debentures of Victoria, legalized .....	do
68. Assessments in the City of Toronto legalised .....	do
69. York Roads, vested in the County of York .....	do
70. Town of St. Mary's, issue of debentures authorized .....	do
71. Village of Mitchell, charter amended.....	do
72. Road allowances and Highways in the Township of Hamilton.....	do
73. Bank of Upper Canada, charter amended.....	Dom. Priv.
74. Bank of Northumberland incorporated.....	do
75. Union Bank of L. C. incorporated.....	Dom. Q. Priv.
76. La Caisse d'Epargne de St. Roch de Montréal incorporated...	do
77. St. Roch's Savings Bank, Quebec, inquiry into affairs of...	Dom. Q. Priv.
78. Toronto and Georgian Bay Canal Co., charter amended....	Priv.
79. Cobourg and Peterborough Railway Co., charter amended..	do
80. Canada Central Railway, time for completion extended....	do
81. Cobourg and Peterborough Railway Co., Tramway from the Marmora Iron Works to the River Trent, or to Rice Lake, authorized.....	do
82. Mount Royal Railway Co., incorporated.....	Q. Priv.
83. Brockville and Ottawa Railway, time for completion extended.....	Priv.
84. Windsor and Sandwich Street Railway Co., incorporated....	do
85. International Bridge Co., charter amended .....	do
86. Longueuil Navigation Co., incorporated.....	Q. Priv.
87. Richelieu Co., charter amended.....	do
88. Ottawa Gas Co., established.....	Priv.
89. Gaspé Bay Mining Co.....	Q. Priv.
90. English and Canadian Mining Co. (Limited), incorporated..	do
91. Bothwell, C.W., Land and Petroleum Co. (Limited), incorporated .....	Priv.
92. Waterloo County Mutual Fire Insurance Co., powers extended.....	do
93. Tadousac Hotel and Sea Bathing Co., incorporated.....	Q. Priv.
94. Canada West Farmers' Mutual and Stock Insurance Co. powers extended .....	Priv.
95. College of Homœopathic Physicians and Surgeons of Montreal.....	Q. Priv.
96. The London Collegiate Institute, incorporated .....	Priv.
97. L'Institut Canadien Français de la Cité d'Ottawa, incorporated .....	do
98. Rideau Club, Ottawa, incorporated .....	do
99. Christ Church, in the City of Ottawa, Mortgaging of certain Property .....	do
100. St. Andrew's Church, Ramsay, disposition of Glebe by .....	do
101. Trinity Church, Town of Simcoe, sale of land by Incumbent .....	do
102. Mutual Assurance Associations of the Fabriques of the Diocese of Quebec, and of Three Rivers, and of Montreal and Saint Hyacinthe.....	Q. Priv.
103. Curé of the Parish of Notre Dame de Québec incorporated ..	do
104. Cure and Marguilliers of the Œuvre and Fabrique of the Parish of Notre Dame de Québec, borrowing of money by, authorized .....	do
105. Jeffrey Hale's Sunday School (Quebec), incorporated.....	do
106. Jeffrey Hale's Hospital (Quebec) .....	do
107. St. Catharines General and Marine Hospital, incorporated ..	Priv.
108. Knowlton Cemetery Co. (Brome), incorporated.....	Q. Priv.
109. The Montreal St. Bridget's Refuge, incorporated .....	do
110. La Caisse de Bienfaisance de Temperance, section St. Jacques, of the City of Montreal, incorporated .....	do
111. L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal, incorporated.....	do



## CHAPS.

112. Les Sœurs de L'Assomption de la Sainte Vierge, of the Parish of St. Gregoire, incorporated ..... Priv.
113. Alexander Macdonell, appointment of trustees to wind up estate of ..... do
114. John Lorn McDougall, estate of ..... do
115. Boyd Sylvester, relief of representatives ..... do
116. Daniel McCallum and his wife, application of a certain general hypothec by limited ..... Q. Priv.
117. Donald Alexander Livingstone, admission to practice Medicine &c. authorized ..... Priv.
118. Henry Hart Coyne, admission as an Attorney and Solicitor authorized ..... do
119. Richard Thomas Walkem, admission as an Attorney and Solicitor authorized ..... do
120. Joseph Ancil and Auguste Fournier, admission as Notaries authorized ..... Q. Priv.

## 29-30 VICT.—1866.

1. Apprehension and detention of certain persons ..... Dom. Temp. Exp.
2. To protect the inhabitants of Lower Canada against lawless aggressions ..... Dom. Q.
3. To amend the preceding Act ..... do
4. C. S. U. C., c. 98 amended ..... Dom. Sup. 31 V. c. 14, ss. 4-5 (D)
5. Unlawful training to the use of arms ..... do Rep. 32-3 V. c. 36 (D)
6. Duties of Customs ..... do Rep. 31 V. c. 6, s. 138 (D)
7. Duties of Excise ..... do Rep. 31 V. c. 8, s. 1 (D)
8. Supplies ..... Effete
9. Indemnifying the Members of the Executive Government ..... Occ.
10. Provincial Notes ..... Dom. Sup. 31 V. c. 46, s. 8 (D); s. 15 effete.
11. To amend the Post Office Act ..... do Rep. 31 V. c. 10, s. 2 (D)
12. Volunteer Militia Force ..... do Rep. so far as inconsistent, 31 V. c. 40, s. 99 (D)
13. Elections of Members of the Legislature ..... { Rep. as to Ontario 32 V. c. 21 (O); as to Dom. 37 V. c. 9, s. 133 (D)
14. To continue for a limited time several Acts ..... Temp. Exp.
15. Temporalities of the United Church of England and Ireland ..... Not Pub. Gen.
16. Sale of Rectory Lands ..... { do. Amended 39 V. c. 109 (O).
17. To amend the preceding Act ..... Q.
18. Bureau of Agriculture ..... Dom. Sup. 35 V. c. 26, s. 43(3, 4, 5) (D)
19. Patents of Invention ..... Dom.
20. Title to lands held in trust for certain of the Indians confirmed ..... Effete, Rep. in effect by 32 V., c. 28, s. 56 (O).
21. Works connected with the defence of the Province ..... { 56 (O).
22. EGRESS FROM PUBLIC BUILDINGS ..... Consol.
23. Charters of Incorporation to Manufacturing and other Cos. { Rep. as to future incorporations, 37 V. c. 35, s. 59 (O); as to Dom. 32-3 V. c. 13, s. 56 (D)

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24. Inspection of Leather and Raw Hides .....	Dom. Rep. 36 V. c. 49, s. 20 (D)
25. Code of Civil Procedure of L. C. ....	Q.
26. Rendering of judgments in the Court of Queen's Bench and Superior Courts L. C. ....	Q.
27. Bar of Lower Canada. ....	Q.
28. Fund towards defraying expenses relating to the Registry Laws L. C. ....	Q.
29. Commissioners' Court Act L. C. amended. ....	Q.
30. Seigniorial Act explained .....	Q.
31. Public Education L. C. ....	Q.
32. Municipal Act of L. C. amended. ....	Q.
33. Abuses prejudicial to Agriculture, L. C. ....	Q.
34. Masters and Servants in the country parts .....	Q.
35. Tavern-Keepers and the sale of Intoxicating Liquors .....	Q.
36. Erection &c. of Parishes, building, &c., Churches, &c. ....	Q.
37. Joint Stock Companies Roads Act amended .....	Q.
38. Court of Impeachment .....	Rep. 32 V., c. 26 (O).
39. HEARING OF CAUSES IN THE COURT OF CHANCERY .....	Consol.
40. SUPERIOR COURTS .....	do.
41. LAW OF CROWN AND CRIMINAL PROCEDURE AND EVIDENCE AT TRIAL AMENDED .....	do as to civil pro- cedure. Rep. as to criminal procedure 32-3 V. c. 36 (D)
42. COMMON LAW PROCEDURE ACT AMENDED .....	Consol.
43. CROWN DEBTORS .....	do
44. Persons in custody charged with High Treason or Felony ....	Dom. Rep. 32-3 V. c. 36 (L)
45. HABEAS CORPUS .....	Consol.
46. VIEW BY JURORS .....	do.
47. Appointment of Recorders .....	Rep. 32 V., c. 6. s. 10 (O).
48. ADMINISTRATION OF JUSTICE IN THE UNORGANIZED TRACTS ....	Consol.
49. ATTORNEYS-AT-LAW .....	do.
50. Appeals in cases of Summary Convictions and Returns thereof by Justices of the Peace. ....	Rep. 38 V., c. 4, s. 12 (O). Rep. 32-3 V. c. 36 (D).
51. MUNICIPAL INSTITUTIONS .....	Consol. Rep. so far as inconsistent, 36 V. c. 48, s. 515 (O).
52. An Act to amend the Municipal Institutions Act. ....	do do
53. Assessment of Property .....	Rep. 32 V., c. 36, s. 204 (O).
54. Medical Act amended .....	Rep. 32 V., c. 45, s. 1 (O); and 37 V., c. 30, s. 1 (O).
55. Tax on dogs and protection of sheep .....	Rep. 32 V., c. 31. s. 1. (O).
56. City of Montreal, charter amended .....	Q. Loc.
57. City of Quebec, Water Works .....	do
58. Trinity House of Quebec, powers extended .....	do
59. City of Three Rivers, Act of incorporation amended .....	do
60. Town of St. Ours, incorporated .....	do
61. Parish of St. Bonaventure (Drummond) erected into a Muni- cipality .....	do
62. Township of Wickham divided .....	do
63. Rights in the Commons of Berthier and Ile du Pads .....	do
64. Municipality St. Etienne de Beauharnois .....	do
65. Municipality of Gaspé Bay South and York, divided .....	do
66. Township of Aylnier attached to the Parish of St. Vital de Lambton, (Beauce.) .....	do

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67. Concession line between ranges four and five of the Township of Buckingham, established .....	Q. Priv.
68. Township of Broughton, part attached to Parish of St. Frederick (Beauce) .....	do
69. Water-courses in the district of Iberville .....	do
70. County Town of Lincoln .....	Loc.
71. Separation of Peel from York, completed .....	do
72. By-law of Huron and Bruce, legalized .....	Loc.
73. Act to legalize assessments in the City of Toronto, repealed ..	do
74. City of Hamilton Debentures Act, 1864, amended .....	do
75. Board of Trade of the City of the Hamilton, charter amended ..	Loc. Priv.
76. Board of Trade of the City of London, incorporated .....	do
77. Town of Stratford, Issue of Debentures authorized .....	Loc.
78. Township of St. Vincent (Grey), construction of a harbour at the mouth of Bighead River, authorized .....	do
79. Town of Belleville, site for a public Cemetery .....	do
80. Town of Bothwell, incorporated .....	do
81. Village of New Edinburgh, incorporated .....	do
82. Township of Wawanosh, divided .....	do
83. Roads in the Township of Reach .....	do
84. Improvement of the Napanee River .....	do
85. Boundary lines in certain ranges of the Township of Grenville .....	do
86. Quebec Bank, charter amended .....	Dom. Priv.
87. Bank of Upper Canada, charter amended .....	do
88. Canadian Bank of Commerce, established .....	Priv.
89. Bank of Northumberland, charter amended .....	Dom. Priv.
90. Bank of London, incorporated .....	do
91. Bank of Simcoe, incorporated .....	do
92. Agreement made between the G. T. R. Co. and the Buffalo and Lake Huron Railway Co., legalized .....	Priv.
93. Buffalo and Lake Huron Railway Company's Capitalization Arrears Act, 1866 .....	do
94. Canada Central Railway Co., charter amended .....	do
95. North Shore Railway and St. Maurice Navigation and Land Co., time for completion extended .....	do
96. Massawippi Valley Railway Co., charter amended .....	Q. Priv.
97. Hamilton and Port Dover Railway, time for completion extended .....	Priv.
98. Peterborough and Chemong Lake Railway, sale of .....	do
99. Port Hope, Lindsay, and Beaverton Railway Co., charter amended .....	do
100. South Eastern Counties Junction Railway Co., incorporated ..	Q. Priv.
101. Waterloo, Magog and Stanstead Railway Co. ....	do
102. Belleville and Marmora Railway Co., incorporated .....	Priv.
103. Cobourg, Peterborough, and Marmora Railway and Mining Co., incorporation of, authorized .....	do
104. Bothwell Tram Road and Bridge Co., incorporated .....	do
105. Tramway from the Village of Orangeville, to some point on the G. T. R. west of Toronto .....	do
106. Ottawa City Passenger Railway Co. ....	Priv.
107. International Bridge Co., charter amended .....	do
108. William John Bickell, construction of a Bridge over the River St. Charles, authorized .....	do
109. Société de Passage du Pont Neuf de St. Hyacinthe, incorporated .....	do
110. Steel, Iron, and Railway Works Co. (Limited), incorporated ..	do
111. The Canadian Rubber Co., of Montreal, incorporated .....	Q. Priv.
112. St. Lawrence Tow Boat Co., Charter amended .....	do
113. St. Lawrence Navigation Co., incorporated .....	do
114. Fenelon Falls, Minden, Haliburton and Northern Lakes Steam Navigation Co., incorporated .....	Priv.
115. Pierreville Steam Mills Co., incorporated .....	Q. Priv.

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116. Roxton Mining Co., incorporated.....	Q. Priv.
117. Dresden Great Western Oil Co., incorporated.....	Priv.
118. New York and Canada Oil Co., authorized to hold and convey certain lands.....	do
119. Wyoming Petroleum Co., authorized to hold and convey certain lands.....	do
120. Hartford Oil Co., authorized to hold and convey certain lands.....	do
121. Canada Vine Growers' Association incorporated.....	do
122. Long Point Co., incorporated.....	do
123. Globe Printing Co., incorporated.....	do
124. Rossin House Hotel Co., incorporated.....	do
125. Canada Landed Credit Co., charter amended.....	do
126. Canadian Loan and Investment Co., sale and disposition of certain lands, authorized.....	do
127. Quebec Fire Assurance Co., Charter amended.....	do
128. Quebec Marine Insurance Co., Charter amended.....	do
129. Union Insurance Co. of Canada, incorporated.....	do
130. La Caisse d'Economie de Notre Dame de Québec, powers extended.....	Dom. Priv.
131. La Caisse d'Epargnes de la Section St. Joseph de la Société de Montreal, incorporated.....	Q. Priv.
132. Amalgamation of the Western Counties B. P. B. and S. Soc. with the Huron and Erie Saving and Loan Soc.....	Priv.
133. College of Regiopolis, charter amended.....	do
134. College of St. Jerome (Berlin), incorporated.....	do
135. College of Ottawa, Charter amended.....	do
136. Belleville Seminary, Charter amended.....	do
137. Royal College of Physicians and Surgeons of Kingston, incorporated.....	do
138. Mercantile Library Association of Montreal, incorporated.....	Q. Priv.
139. L'Institut Canadien Français de la Cité d'Ottawa, charter amended.....	Priv.
140. Ottawa Natural History Soc., incorporated.....	do
141. British and Canadian School Soc. of Montreal, charter amended.....	Q. Priv.
142. Ursuline Academy of Chatham, incorporated.....	Priv.
143. The Montreal Literary Club, incorporated.....	Q. Priv.
144. Institut des Artisans Canadiens de Montreal, incorporated.....	do
145. Montreal Club, incorporated.....	do
146. St. Patrick's Hall Association of Montreal, incorporated.....	do
147. St. Patrick's Asylum of Ottawa, incorporated.....	Priv.
148. Canon of the Synod of the Diocese of Quebec, respecting the Parish and Chapelries of Quebec, legalized.....	do
149. Ecclesiastical Society of St. John (Kingston), incorporated.....	do
150. Curé of the Parish of Notre Dame de Quebec, incorporated.....	Q. Priv.
151. St. James' Church, Toronto, lands vested in Rector and Church-wardens.....	Priv.
152. St. Paul's Church, Montreal, sale of Real Estate, by trustees.....	do
153. Wesleyan Methodist Church, Queen Street, Toronto, placed under the directions of the "Model Deed" of the Wesleyan Methodist Church.....	do
154. Trustees of the Presbyterium Congregation (Woodstock), sale of certain lots by.....	do
155. Protestant Burial Ground at Hudson vested in the Incumbent and Church-wardens of St. James' Church (Vaudreuil).....	Q. Priv.
156. Crystal Lake Cemetery Co., incorporated.....	do
157. Philip Pearson Harris, Patent for a Machine for refining and decolorizing Crude Petroleum Oil.....	Dom. Priv.
158. Arthur Rankin, Letters Patent of Invention to for a new description of fuel.....	do
159. Henry John Boswell, Letters Patent for an invention.....	do
160. Pierre Eymard Jay and the Honourable Louis Antoine Dessaulles, Patents of Invention for inventions by.....	do



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161. Honourable Philip H. Moore, Patent for the invention of a new method of manufacturing peat into coal by process of steam.....	Dom. Priv.
162. Casimir Stanislaus Gzowski and the Honourable David Lewis Macpherson, Letters Patent for improvements in treating ores .....	do
163. J. D. Whelpley and J. J. Storer, Letters Patent for system of treating metallic ores .....	do
164. Hugh Burgess, Patent to.....	do
165. Mrs. Elizabeth McKay, compensation to heirs for erroneous issue Letters Patent for lands .....	Priv.
166. Margaret Besserer, sale of land in Ottawa for the benefit of her son, a minor, authorized .....	do
167. Honourable Peter Adamson, sale of certain lands.....	do
168. George Desbarats, will of, made valid.....	do
169. Robert Jackson, will confirmed.....	do
170. Harriet Margarette Gage, construction of Marriage Settlement declared .....	do
171. John Auld, disposition of Real and Personal Estate of his minor children.....	do
172. Charlotte Henderson, settlement confirmed .....	do
173. Hewitt Bernard, admission as a Barrister authorized .....	do
174. William Lynn Smart, admission of as a Barrister authorized .....	do
175. Joseph Robinson Bawden, admission as an Attorney authorized .....	do
176. John Rogers, naturalization of .....	do
177. Writs for the next election of members of the Legislative Council; time for issue of, postponed .....	Effete.

## ACTS OF ONTARIO.

1 VICT.—1867-83.

1. INTERPRETATION ACT.....	Consol.
2. SPEAKER OF THE LEGISLATIVE ASSEMBLY.....	do
3. CONSOLIDATED REVENUE FUND, ONTARIO.....	do
4. Supplies .....	Effete.
5. Duty on Tavern-keepers .....	Rep. 32 V., c. 32, s. 40.
6. ONTARIO GAZETTE.....	Consol.
7. INSPECTION OF ASYLUMS, HOSPITALS, GAOLS, &c. ....	do
8. FREE GRANTS AND HOMESTEADS.....	do
9. VOLUNTARY CONVEYANCES .....	do
10. Registry Act amended.....	Sup. 31 V., c. 20, s. 70 (7.)
11. CERTAIN COMMISSIONERS FOR TAKING AFFIDAVITS AND BAIL...	Consol.
12. PROTECTION OF GAME.....	Secs. 13 and 16, Consol, Rep. 35 V., c. 38, s. 11, exc. ss. 13, 16.
13. Wellington, Grey and Bruce Railway Co., incorporated. . .	Priv.
14. Erie and Niagara Extension Railway Co. incorporated. . .	do
15. Ontario College, Picton, incorporated.....	do
16. St. John's Church, Port Hope, real estate vested in Rector and Churchwardens.....	do
17. To continue for a limited time several Acts.....	Temp. Exp. ss. 1 & 2 Rep. 32 V., c. 29, s. 5.
18. APPOINTMENT OF MAGISTRATES AND CORONERS.....	Consol.

## CHAPS.

19. Gold and Silver Mines.....	Rep. 32 V., c. 34, s. 2.
20. REGISTRY ACT.....	Consol.
21. INSPECTION OF ASYLUMS, HOSPITALS, GAOLS, &c.....	do
22. Judges' Chambers at Common Law.....	Temp. Exp.
23. ATTORNEYS-AT-LAW.....	Consol.
24. COMMON LAW PROCEDURE ACT AMENDED.....	do
25. EXECUTIONS AGAINST GOODS AND LANDS.....	do
26. OVERHOLDING TENANTS.....	do
27. PURCHASES OF REVERSIONS.....	do
28. AUCTIONS OF ESTATES.....	do
29. Agriculture, Horticulture, Arts and Manufactures.....	Sup. 40 V. c. 17.
30. Municipal Act U. C. amended.....	Rep. so far as in- consistent, 36 V., c. 48, s. 515.
31. JOINT STOCK COMPANIES FOR THE CONSTRUCTION OF ROADS..	Consol.
32. Mutual Insurance Companies.....	Rep. 36 V., c. 44, s. 78.
33. BUTTER AND CHEESE MANUFACTURES.....	Consol.
34. TRACTION ENGINES ON HIGHWAYS.....	do
35. ORGANIZATION OF THE TERRITORIAL DISTRICT OF MUSKOKA..	do
36. TAX UPON ALL PATENTED LANDS, ALGOMA.....	do
37. DENTISTRY.....	do
38. Clifton Suspension Bridge Co. incorporated.....	Priv.
39. Grey and Simcoe Railway Co., charter amended.....	do
40. Toronto, Grey and Bruce Railway Co. incorporated.....	do
41. Toronto and Nipissing Railway Co. incorporated.....	do
42. Port Whitby and Port Perry Railway Co. incorporated.....	do
43. Cobourg, Peterborough and Marmora Railway Co., charter amended.....	do
44. Brockville and Ottawa Railway Co., Bonds and stock of....	do
45. Ottawa City Passenger Railway Co., charter amended.....	do
46. County of Hastings, collection of certain taxes in.....	do
47. By-law of the County of Simcoe legalized.....	do
48. Debt of the Town of Peterborough.....	do
49. Town of Belleville, collection of taxes.....	do
50. By-law of the Township of Bayham legalized.....	do
51. Island of Point au Pelée (Essex) incorporated as a separate Municipality.....	Loc.
52. Toronto Mutual Fire Insurance Co. powers conferred on.....	Priv.
53. Royal Canadian Insurance Co. incorporated.....	do
54. Oxford Farmers' Mutual Fire Insurance Assoc., powers con- ferred on.....	do
55. Waterloo County Mutual Fire Insurance Co., powers con- ferred on.....	do
56. Gore District Mutual Fire Insurance Co., powers extended..	do
57. Bishop Strachan School incorporated.....	do
58. Hellmuth College, London.....	do
59. Toronto Young Men's Christian Association incorporated..	do
60. Sisters of L'Hotel Dieu for the Diocese of Kingston incor- porated.....	do
61. Temporal Committee of St. Andrew's Church (Ottawa), incor- porated.....	do
62. Burnside Lying-in-Hospital (Toronto), incorporated.....	do
63. Toronto Trust Co. incorporated.....	do
64. Board of Trade, Guelph. incorporated.....	do
65. Grand River Navigation Co.....	do
66. Rama Timber Transport Co., incorporated.....	do
67. Gananoque Water Power Co., incorporated.....	do
68. Royal Niagara Hotel Co., incorporated.....	do
69. Royal Canadian Yacht Club, incorporated.....	do
70. Trustees of St. Andrew's Church, Chatham, sale of lands....	do
71. Burial ground for the members of the Presbyterian Church in the town of Woodstock.....	do

## CHAPS.

72. Wesleyan Methodist Church and Parsonage Property (An- caster), placed under "Model Deed" of the Wesleyan Methodist Church .....	Priv.
73. Crescent Petroleum Association of New York and Canada, au- thorized to hold and dispose of certain lands .....	do
74. Commissions for taking Affidavits and Bail informally issued, validated .....	do
75. Indenture made between Edmund Allen Meredith and others, legalized .....	do
76. George Paxton, estate vested in Trustees .....	do
77. John Knatchbull Roche, Act vesting real estate in trustees, amended .....	do
78. John Saxton Campbell, conveyances by confirmed .....	do
79. John Whitley, admission as a barrister-at-law authorized ....	do

## 32 VICT.—1868-9.

1. Supplies .....	Effete.
2. CONTINUATION OF LEGISLATIVE ASSEMBLY OF ONTARIO IN CASE OF THE DEMISE OF THE CROWN .....	Consol.
3. Privileges, Immunities and Powers of the Legislative As- sembly .....	Disallowed by Order in Council 26 Nov. 1869.
4. INDEPENDENCE OF THE LEGISLATIVE ASSEMBLY .....	Consol.
5. OATHS TO WITNESSES FOR THE PURPOSES OF THE LEGISLATIVE AS- SEMBLY .....	do.
6. LAW REFORM ACT OF 1868 .....	do.
7. ACTIONS OF DOWER, PROCEDURE IN .....	do.
8. WILLS .....	Consol. Rep. 36 V., c. 20, s. 46, as to certain wills.
9. CERTIFICATES OF EXECUTION OF DEEDS BY MARRIED WOMEN .....	Consol.
10. DEALING BY EXECUTORS AND ADMINISTRATORS WITH MORTGAGES .....	do.
11. FEES TO SHERIFFS .....	do.
12. Protection of Game .....	Rep. 35 V., c. 38.
13. Township of Garafraxa divided .....	Loc.
14. Hamilton Debentures Act 1864, explained .....	do
15. City of Kingston, sale of lands by .....	do
16. Township of Seymour, survey confirmed .....	do
17. Ontario Mutual Life Association Co. incorporated .....	Priv.
18. COSTS IN SUITS FOR ALIMONY .....	Consol.
19. ATTORNEYS-AT-LAW .....	do.
20. FREE GRANTS AND HOMESTEADS .....	do.
21. ELECTIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY .....	do.
22. COUNTY COURTS .....	do.
23. DIVISION COURTS .....	do.
24. COURT OF ERROR AND APPEAL .....	do.
25. OFFICE OF SHERIFF .....	do.
26. Court of Impeachment abolished .....	Repeals C. S. U. C., c. 20, and 29-30 V., c. 38.
27. REPEAL AND AMENDMENT OF CERTAIN ACTS .....	Consol.
28. PUBLIC WORKS OF ONTARIO .....	do.
29. SECURITY BY OFFICERS IN ONTARIO .....	do.
30. Registration of Births, Marriages and Deaths .....	Rep. 39 V., c. 2, s. 26.
31. TAX ON DOGS AND THE PROTECTION OF SHEEP .....	Consol.
Tavern and Shop Licenses .....	Rep. 37 V., c. 32, s. 61
33. PARTITION OF REAL ESTATE .....	Consol.
34. MINING .....	do
35. Sales for Arrears of Taxes, Actions pending stayed .....	Temp. Exp.
36. ASSESSMENT OF PROPERTY .....	Consol.

## CHAPS.

37. TRUSTEES AND EXECUTORS, POWERS CONFERRED ON .....	Consol.
38. SURVEYORS' ACT AMENDED .....	do
39. Charters to Manufacturing, Mining and other Co's .....	Rep. 37 V., c. 35, s. 59, as to future incorporations.
40. EXEMPTION FROM TOLL .....	Consol.
41. TO PREVENT THE SPREADING OF CANADA THISTLES .....	do
42. STAMPS, &C. UPON LAW PROCEEDINGS .....	do
43. Municipal Institutions Act amended .....	Rep. so far as inconsistent 36 V., c. 48, s. 15
44. COMMON SCHOOLS .....	Consol.
45. Medicine and Surgery .....	Rep. 37 V., c. 30, s. 1.
46. Line Fences and Water-courses .....	Rep. 37 V., c. 25 and 38 V., c. 26.
47. Agriculture, Horticulture, Arts and Manufactures .....	Sup. 40 V. c. 17
48. Selection of Jurors for the County of York, 1869. ....	Effete.
49. DISTRICT OF MUSKOKA .....	Consol.
50. Titles to Union Houses of Religious Worship .....	Rep. 36 V., c. 135, s. 18.
51. Synod of the Diocese of Toronto, incorporated .....	Priv.
52. Huron College, charter amended .....	do
53. Ottawa Unity Protestant Benefit Society, incorporated .....	do
54. St. Andrew's Society of the City of Ottawa, incorporated .....	do
55. Frederick George Allenby, admission as a Barrister-at-Law, authorized .....	do
56. Township of Monck, erected into a Municipality .....	Loc.
57. Townships of Watt, Cardwell, Humphrey, Christie, Medora and Wood, erected into a Municipality .....	do
58. Norfolk Railway Co., incorporated .....	Priv.
59. Ottawa and Gloucester Road Co., Charter confirmed .....	do
60. Port Whitby and Port Perry Railway Co., Charter amended .....	do
61. Peterborough and Haliburton Railway Co., incorporated .....	do
62. Colonial Securities Company (limited) .....	do
63. Alexander Wright, sale of real estate by trustees .....	do
64. Ontario Farmers' Mutual Insurance Co., powers conferred .....	do
65. Trust and Loan Co., conveyances by, confirmed .....	do
66. Kingston and Frontenac Railway Co., incorporated .....	do
67. Adelaide Street Wesleyan Methodist Church, Toronto, real estate vested in trustees .....	do
68. Ontario Trust and Investment Co., incorporated .....	do
69. Township of St. Vincent, holding of certain lands legalized .....	do
70. Presqui' Isle and Belmont Railway Co., incorporated .....	do
71. Port Hope, Lindsay and Beaverton Railway to Beaverton, bonus by Port Hope for completion .....	do
72. St. Andrew's Church, Peterborough, succession of trustees of the Church, &c. ....	do
73. Streets in the City of London .....	do
74. Lady Smith, relief in management of the Estate of Sir Henry Smith .....	do
75. Hellmuth Ladies College, incorporated .....	do
76. Caledonia Peat Manufacturing and Smelting Co., incorporated .....	do
77. Hamilton Mutual Fire Insurance Co., incorporated .....	do
78. Trustees of the Honourable John Elmsley, relief of .....	do
79. William Houghton Bell and others, relief of .....	do
80. Simcoe and Muskoka Railway Co., incorporated .....	do
81. Toronto Street Railway Co., relief of .....	do
82. Toronto, Grey and Bruce Railway Co., charter amended .....	do
83. Toronto and Nipissing Railway Co., incorporated .....	do
84. Charles Gannon, admission as a Barrister-at-Law, authorized .....	do
85. William Darley Pollard, admission as a Barrister-at-Law, authorized .....	do



## 33 VICT.—1869.

CHAPS.

1. Supplies .....	Effete.
2. Public Money for Drainage .....	Rep. 36 V., c. 38, s. 43.
3. INDEMNITY TO MEMBERS, AND SALARY OF THE SPEAKER.....	Consol.
4. ELECTION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY, Act amended .....	do
5. REMUNERATION OF CERTAIN MEMBERS OF THE COURT OF ERROR AND APPEAL.....	do
6. APPOINTMENT OF NOTARIES PUBLIC .....	do
7. WRITS OF ERROR AND CERTIORARI.....	do
8. LAW REFORM ACT, amended .....	do
9. LAW FEES AND TRUST FUNDS .....	do
10. FEES OF SHERIFFS, CLERKS OF THE PEACE, &c., IN THE COUNTY JUDGES' CRIMINAL COURT .....	do
11. JUDGES' CHAMBERS AT COMMON LAW.....	do
12. COUNTY COURTS .....	do
13. LAW OF EVIDENCE IN CIVIL CAUSES .....	do
14. AFFIRMATIONS INSTEAD OF OATHS .....	do
15. Jurors and Juries .....	Sup. 37 V. c. 7, s. 82.
16. JUROR'S ACT, AMENDED ..	Consol.
17. INTERPLEADING .....	do
18. POWERS OF EXECUTORS AND ADMINISTRATORS .....	Consol. Rep. and re-enacted, 36 V., c. 20.
19. BILLS OF LADING .....	Consol.
20. REGISTRATION OF Co-PARTNERSHIPS .....	do
21. ASSURANCES ON THE LIVES OF HUSBANDS AND PARENTS .....	do
22. Registration of Births, Marriages and Deaths.....	Rep. 39 V., c. 2, s. 26.
23. SHERIFF'S SALES FOR TAXES.....	Consol.
24. DISTRICT OF PARRY SOUND .....	do
25. MUNICIPAL INSTITUTIONS IN ALGOMA.....	Rep. except s. 25 by 38 V., c. 13, s. 13. Sec. 25, Consol.
26. Municipal Act, amended .....	{ Rep. as far as incon- sistent, 36 V., c. 48, s. 515
27. ASSESSMENT OF PROPERTY.....	Consol.
28. Tavern and Shop Licenses .....	Rep. 37 V., c. 32, s. 61.
29. Registration of Conveyances to Religious Institutions .....	Rep. 36 V., c. 135, s. 18; 39 V. c. 7, s. 21.
30. Toronto, Simcoe and Muskoka Junction Railway Co. incor- porated .....	Priv.
31. Port Hope, Lindsay and Beaverton Railway, Co. change of name, &c. ....	do
32. Canada Southern Railway Co. established .....	do
33. Canada Air-Line Railway Co., incorporated .....	do
34. Canada Western-Air-Line Railway Co., incorporated .....	do
35. Hamilton and Port Dover Railway Co., charter revived ...	do
36. Railway from City of Hamilton to Caledonia, authorized ...	do
37. Kingston and Madoc Railway, incorporated .....	do
38. Amalgamation of the Cobourg and Peterborough Railway Co. and the Marmora Iron Co., legalized .....	do
39. Port Whithy and Port Perry Railway Co., charter amended ..	do
40. Peterborough and Haliburton Railway Co., charter amended	do
41. Toronto, Grey, and Bruce Railway Co., charter amended ...	do
42. Toronto and Nipissing Railway Co., charter amended.....	do
43. Fair Ground of the County of Oxford .....	do
44. Company of the Port Credit Harbour, charter amended....	do
45. Inland Water Transportation Co., incorporated .....	do
46. Mississippi Navigation Co., incorporated.....	do

## CHAPS.

47. Toronto House Building Association, incorporated.....	Priv.
48. Toronto Wharf and Warehousing Co., incorporated.....	do
49. Ontario Peat Co., incorporated.....	do
50. Cobourg Cemetery Co., charter amended.....	do
51. Weston Church School, incorporated.....	do
52. Nazrey Institute, incorporated.....	do
53. Wesleyan Female College, of Hamilton, charter amended....	do
54. Ottawa Ladies' College incorporated.....	do
55. Primitive Methodist Connexion.....	do
56. Church Society of the Diocese of Huron, sale of certain pre- ises in the Town of Galt, to the Rev. Michael Boomer, D.D. legalized.....	do
57. Church Society of the Diocese of Huron, sale by authorized	do
58. Trustees of the McNab Street Wesleyan Methodist Church, sale of lands by, authorized.....	do
59. Presbyterian Church in the Townships of Dummer and Aspho- del, trustees appointed.....	do
60. Trustees of the Presbyterian Church in the Township of Finch, sale of lands authorized.....	do
61. Ottawa Mechanics' Institute and Athenæum, and the Ottawa Natural History Society, amalgamation, as the Ottawa Liter- ary and Scientific Society, authorized.....	do
62. Town of Perth, withdrawal from County of Lanark.....	Loc.
63. Township of Marysburgh, divided into two Municipalities..	do
64. Township of Collingwood (Grey), construction of works at the mouth of Beaver River authorized.....	do
65. Town of Chatham disposition of certain lands.....	do
66. Re-survey of the Town of Chatham legalized.....	do
67. Township of Melancthon (Grey), survey confirmed.....	do
68. Side Roads in the Township of Tilbury East confirmed.....	do
69. Closing of certain streets in Elora authorized.....	do
70. Debt of the Town of Peterborough.....	do
71. Sugar Refinery, Toronto, exemption from taxation.....	Priv.
72. Donald Alexander Macdonald, construction of a canal in the Township of Kenyon.....	do
73. David B. Ogden Ford, relief of the representatives of.....	do
74. Zephaniah Swift More Hersey, conveyance of land sold by..	do
75. Benjamin Hart, sale of land under will of.....	do

## 34 VICT.—1870-1.

1. Supplies.....	Effete.
2. AID TO RAILWAYS.....	Consol.
3. ELECTION PETITIONS, CORRUPT PRACTICES AT ELECTIONS.....	do
4. DISTRICT OF THUNDER BAY.....	do
5. TO ENCOURAGE SETTLEMENT IN THE FREE GRANT TERRITORY.	S. 4, Consol., Re- mainder effete.
6. UNPATENTED LANDS SOLD FOR TAXES.....	Consol.
7. Estate Bills.....	Rep. 38 V., c. 7, s. 2.
8. NAMES OF THE SUPERIOR COURTS IN ONTARIO.....	Consol.
9. Business of the Superior Courts.....	Sup. 37 V., c. 7, s. 6.
10. COURT OF CHANCERY.....	Consol.
11. COURT OF ERROR AND APPEAL, AND QUIETING TITLES ACT AMENDED.....	do
12. COMMON LAW PROCEDURE ACT AMENDED.....	do
13. Certain Commissions for taking Affidavits.....	Occ.
14. AFFIDAVITS, DECLARATIONS, AND AFFIRMATIONS OUT OF ON- TARIO.....	Consol.
15. LAW SOCIETY.....	do
16. COMMISSIONERS OF POLICE.....	do
17. CENTRAL PRISON.....	do
18. ASYLUM FOR THE INSANE.....	do

CHAPS.

19. GOVERNMENT ROAD ALLOWANCES AND CROWN TIMBER LICENCES.....	Consol.
20. ARREARS DUE UPON CROWN, CLERGY, AND GRAMMAR SCHOOL LANDS .....	do
21. Establishment and regulation of Public Fairs .....	{ Consolidated in 36 V., c. 48, s. 383 (10).
22. Ontario Drainage Act amended .....	Rep. 36 V., c. 38, s. 43.
23. Agricultural and Arts Act amended .....	Sup. 40 V. c. 17
24. CONVEYANCE OF REAL ESTATE BY MARRIED WOMEN.....	{ Ss. 1—5 Rep., 36 V., c. 18; sec 6.
25. REGISTRY OFFICES IN RIDINGS .....	Consol.
26. REGISTRY ACT AMENDED.....	Consol.
27. Delivery of certain Registry Books in Essex .....	do
28. ASSESSMENT ACT AMENDED.....	Loc.
29. AUDITING COUNTY ACCOUNTS .....	Consol.
30. Municipal Institutions .....	do
31. PLANTING OF TREES UPON THE HIGHWAYS .....	{ Rep. so far as inconsistent, 36 V., c. 48, s. 515
32. Charitable, Philanthropic and Provident Associations.....	Consol.
33. Common and Grammar Schools .....	{ Rep. as to future incorporations. 37 V., c. 34, s. 19.
34. PHARMACY ACT OF 1871 .....	Rep. 37 V., cc. 27—28.
35. PROTECTION OF GAME.....	Consol.
36. North Grey Railway Co., incorporated.....	{ Ss. 2 and 6 Consol. Remainder Rep. 35 V., c. 38
37. Wellington, Grey and Bruce Railway Co., charter amended...	Priv.
38. Credit Valley Railway Co., incorporated.....	do
39. Oakville, Milton and Guelph Railway Co., incorporated.....	do
40. Streetsville and Port Credit Junction Railway Co., incorporated.....	do
41. Hamilton and Lake Erie Railway Co., incorporated.....	do
42. London, Huron and Bruce Railway Co., incorporated.....	do
43. Fenelon Falls Railway Co., incorporated.....	do
44. Merrickville and Westport Railway Co., incorporated.....	do
45. Brockville and Westport Railway Co., incorporated.....	do
46. Gananoque and Rideau Railway Co., incorporated.....	do
47. Pembroke and Ottawa Railway Co., incorporated.....	do
48. Grand Junction Railway Co., aid thereto by municipalities &c.	do
49. Peterborough and Haliburton Railway Co., charter amended..	do
50. Port Whitby and Port Perry Railway Co., charter amended.	do
51. Midland Railway Co., consolidation of its bonded debts, &c...	do
52. Norfolk Railway Co.....	do
53. Toronto, Simcoe and Muskoka Junction Railway Co., charter amended .....	do
54. Toronto and Nipissing Railway Co.....	do
55. By-laws of Town of Brantford and agreements with G. W. Railway Co. and the G. T. Railway Co. legalized.....	Loc. Priv.
56. By-laws of the Corporation of the Township of Wolford, legalized .....	Loc.
57. Town of Brantford, powers respecting the Grand River Navigation Co .....	Loc. Priv.
58. Charles C. Grove and Nicholas Uebelhoer, construction of a railway in the Township of Bertie, (Welland) .....	Priv.
59. Town of St. Thomas, limits extended. ....	Loc.
60. Townships of Albion and King, 22 V., c. 59 (1st Sess.), extended to .....	do

## CHAPS.

61. Side lines in the Township of Huntly . . . . .	Loc.
62. Survey of Township of West Oxford, confirmed . . . . .	do
63. Survey of Township of Portland, confirmed . . . . .	do
64. City of London, closing of Church Street . . . . .	do
65. Township of Biddulph and McGillivray, Taxation for Gravel Road purposes . . . . .	do
66. City of Ottawa, enlargement of the By Ward Market . . . . .	do
67. West Middlesex Agricultural Society, sale of lands author- ized . . . . .	do
68. Agricultural Society of Glengarry, property in the Village of Williamstown, vested in . . . . .	Priv.
69. Town of Walkertown, incorporated . . . . .	Loc.
70. Toronto Union Passenger Station and Dock Co. incorporated . . . . .	Priv.
71. Georgian Bay Lumber Association incorporated . . . . .	do
72. Ontario Sugar Refining Co. incorporated . . . . .	do
73. Queen City Fire Insurance Co. incorporated . . . . .	do
74. Napanee River Improvement Co. charter amended . . . . .	do
75. Simpson Loom Co. (Limited), incorporated . . . . .	do
76. Consumers' Gas Co. of Toronto, charter amended . . . . .	do
77. Hamilton Masonic Hall Association, charter revived . . . . .	do
78. Sugar Refinery of Toronto, exempting from taxation, amended . . . . .	do
79. Bishop and Incumbents of the Diocese of Toronto, powers confirmed . . . . .	do
80. Church Society of the Diocese of Toronto, sale of Rectory Lands, Peterborough, authorized . . . . .	do
81. Church Society of the Diocese of Huron, sale or exchange of Land in the Township of Brantford authorized . . . . .	do
82. St. John's Church, Ancaster, Real Estate vested in Church- wardens . . . . .	do
83. Presbyterian Church in the Township of Nottawasaga, sale of Land by Trustees authorized . . . . .	do
84. Presbyterian Church in the Township of Kenyon, sale of Land by Trustees authorized . . . . .	do
85. Canada Presbyterian Church in Osgoode, sale of Lands for a Burial Ground . . . . .	do
86. St. Andrew's Church, Peterborough, succession of Trustees . . . . .	do
87. Presbyterian Church, Town of Cornwall, appointment of Trust- tees and sale of Lands authorized . . . . .	do
88. Stamford Presbyterian Church, sale of land by Trustees . . . . .	do
89. Methodist Episcopal Church at Ottawa, property vested in Trustees . . . . .	do
90. Church of England Ladies' School at Ottawa incorporated . . . . .	do
91. Albert College Charter amended . . . . .	do
92. Sisters of St. Joseph of the Diocese of London in Ontario in corporated . . . . .	do
93. Sisters of Our Lady of Charity and Refuge at Ottawa incorpo- rated . . . . .	do
94. Trustees of the Friends' Seminary of the Province of Ontario incorporated . . . . .	do
95. Trustees of the Toronto General Burying Ground incorporated &c . . . . .	do
96. Glenwood Cemetery Company (Picton), incorporated . . . . .	do
97. The Newsboys' Lodging and Industrial Home (Toronto) in- corporated . . . . .	do
98. St. George's Society (London) incorporated . . . . .	do
99. Honourable George Jervis Goodhue, Deed for the Distribution and Settlement of the Estate of, confirmed . . . . .	do
100. Joseph Bitterman Spragge, Trustees under the Will of em- powered to sell certain lands . . . . .	do
101. John Flanagan, relief of the Estate of . . . . .	do
102. Sullivan Caverno enabled to convey certain lands . . . . .	do
103. William Henry Steele, admission as Barrister-at-law authorized . . . . .	do
104. Daniel Brooke, admission as a Barrister-at-law authorized . . . . .	do
105. John Netterville Blake, admission as an Attorney authorized . . . . .	do



## 35 VICT.—1871-2.

## CHAPS.

1. Supplies.....	Effete.
2. ELECTION OF MEMBERS TO THE LEGISLATIVE ASSEMBLY.....	Consol.
3. INDEPENDENCE OF THE LEGISLATIVE ASSEMBLY.....	do
4. MEMBERS OF THE HOUSE OF COMMONS INELIGIBLE AS MEMBERS OF THE LEGISLATIVE ASSEMBLY.....	do
5. PROOF OF MATTERS UNDER OATH FOR THE PURPOSES OF THE LEGISLATIVE ASSEMBLY.....	do
6. LAW SOCIETY OF ONTARIO.....	do
7. COUNTY ATTORNEYS.....	do
8. COUNSEL IN DIVISION COURTS.....	do
9. COUNTY COURTS.....	do
10. COMMON LAW PROCEDURE.....	do
11. FRAUDULENT CONVEYANCES.....	do
12. CHOSES IN ACTION MADE ASSIGNABLE.....	do
13. PETITION OF RIGHT AND CROWN SUITS PROCEDURE.....	do
14. WRITS OF MANDAMUS.....	do
15. LAW OF PROPERTY AND TRUSTS.....	Consol. Rep. and re-enacted, 36 V., c. 20.
16. PROPERTY OF MARRIED WOMEN.....	Consol.
17. Apprentices and Minors.....	Sup. 38 V., c. 19.
18. REGISTRATION OF Co-PARTNERSHIPS.....	Consol.
19. LAW REFORM ACT AMENDED.....	do
20. Law Fees in Territorial and Judicial Districts.....	Ss. 1, 2, Rep. 37 V., c. 7, s. 90. Sec. 3 not Consol.
21. REMISSION OF SUMS DUE TO THE CROWN IN CERTAIN FREE GRANT TOWNSHIPS.....	Consol.
22. ARREARS DUE UPON COMMON SCHOOL LANDS.....	do
23. RAILWAY FUND.....	do
24. AID TO RAILWAYS.....	do
25. RAILWAY ACT AMENDED.....	do
26. Drainage Works.....	Rep. 36 V., c. 39, s. 1.
27. FEES OF REGISTRARS.....	Consol.
28. REGISTRY OFFICES AND REGISTRATION.....	Repeals part of 34 V., c. 25, Consol.
29. REGISTRY ACT AMENDED.....	Consol.
30. Council of Public Instruction.....	Temp. Exp.
31. SURVEYORS AND THE SURVEY OF LANDS.....	Consol.
32. Agricultural and Arts Act amended.....	Sup. 40 V., c. 17.
33. JOINT STOCK ROAD COMPANIES.....	Consol.
34. DENTISTRY.....	do
35. Property of Religious Institutions.....	Rep. 36 V. c. 135, s. 18, and 39 V. c. 7, s. 21.
36. Corrupt Practices at Municipal Elections.....	Rep. 36 V., c. 48, s. 515, so far as inconsistent.
37. MUNICIPAL INSTITUTIONS IN PARRY SOUND, MUSKOKA, NIPISSING AND THUNDER BAY.....	Consol.
38. PROTECTION OF GAME.....	do
39. ABANDONED OIL WELLS.....	do
40. Charters to Manufacturing, Mining, and other Companies..	Rep. as to future incorporations. 37 V., c. 35, s. 59.
41. Town of Tilsonburg incorporated.....	Priv.
42. Town of Durham incorporated.....	do
43. Northern Extension Railways Co. formed.....	do
44. South Simcoe Junction Railway Co. incorporated.....	do
45. Pacific Junction Railway Co. incorporated.....	do
46. Toronto, Grey and Bruce Railway Co., charter amended ..	do

## CHAPS.

47. Credit Valley Railway Co., charter amended.....	Priv.
48. Canada Southern Railway Co., further powers conferred....	do
49. London, Huron and Bruce Railway Co.....	do
50. By-law of the City of London in favour of the London, Huron and Bruce Railway Co., legalized.....	do
51. Stratford and Huron Railway Co., charter amended.....	do
52. Norfolk Railway Co., charter amended.....	do
53. Dover and Lake Huron Railway Co. incorporated.....	do
54. Port Burwell and Ingersoll Railway Co. incorporated.....	do
55. Hamilton and North-Western Railway Co. incorporated.....	do
56. Port Whithy and Port Perry Railway Co. incorporated.....	do
57. By-laws of the City of Kingston, the County of Frontenac, the County of Renfrew, and the Village of Pembroke, granting aid to the Kingston and Pembroke Railway Co., legalized.	do
58. By-laws in aid of the extension of the Midland Railway, confirmed.....	do
59. Cobourg, Peterborough and Marmora Railway and Mining Co. extension authorized.....	do
60. Fenelon Falls Railway Co. incorporated.....	do
61. Omamee, Bobcaygeon and North Peterborough Junction Railway Co. incorporated.....	do
62. Bowmanville, Lindsay and Bobcaygeon Railway Co. incorporated.....	do
63. By-law of the Town of Galt legalizing construction of a Railway from the Village of Doon to Galt; Railway from Berlin to Village of Waterloo authorized.....	Loc. Priv.
64. Sandwich and Windsor Passenger Railway Co. incorporated.....	Priv.
65. Township of Logan (Perth), By-law to repeal certain By-laws authorized.....	Loc.
66. Village of Orillia, disposition of certain lands by corporation.....	do
67. City of Ottawa, mortgage of the By Ward Market property authorized.....	do
68. City of Hamilton, closing certain streets authorized.....	do
69. Town of Dundas, closing of Rosina Street.....	do
70. Town of Dundas, By-law exempting Messrs. Young, Law & Co. from Taxes for a certain period, authorized.....	do
71. Town of Peterborough, bonus for establishment of manufactures and the construction of Water-works authorized.....	do
72. Gas Company of the City of London.....	Priv.
73. Kingston Board of Trade incorporated.....	do
74. Debt of the City of Kingston.....	Loc.
75. Debt of the City of London.....	do
76. Debenture Debt of the City of Toronto.....	do
77. MUNICIPAL ACT AMENDED AS TO TÔRONTÔ.....	Consol.
78. City of Toronto Water Company, Charter amended.....	Loc.
79. Water Works in the City of Toronto.....	do
80. Water Works for the City of Ottawa.....	do
81. Yorkville Water Works Co. incorporated.....	Priv.
82. Brampton Water Works Co. incorporated.....	do
83. Toronto General Trusts Co. incorporated.....	do
84. Canada Bolt Co. incorporated.....	do
85. Toronto Dairy Co. incorporated.....	do
86. Toronto Oil Works Association incorporated.....	do
87. Toronto Life Assurance and Tontine Co. incorporated.....	do
88. Ontario Trust and Investment Co. increase of capital stock..	do
89. The Ontario Carbon Oil Co. (Hamilton), charter amended...	do
90. Shuniah Silver Mining Co. incorporated.....	do
91. North Shore Silver Mining Co. incorporated.....	do
92. Duncan Silver Mining Co. incorporated.....	do
93. Spencer Silver Mining Co. incorporated.....	do
94. Superior Silver Islands Mining Co. incorporated.....	do
95. International Silver Mining Co. incorporated.....	do
96. Ontario Mineral Lands Co. incorporated.....	do

## CHAPS.

97. Midland Land Co. incorporated.....	Priv
98. Parry Sound Lumber Co. incorporated.....	do
99. Georgian Bay Lumber Co. incorporated .....	do
100. Maganettawan Lumber Co. incorporated .....	do
101. Dams on the Salmon River, Township of Kennebec .....	Loc. Priv.
102. Canada Company authorized to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosan- quet and Stephen.....	do
103. Gull Waters Improvement Co. incorporated .....	Priv.
104. Pickering Harbour and Road Joint Stock Co., charter amended .....	do
105. Belleville Presbyterian Church, appointment of trustees, &c.	do
106. Presbyterian Church in Port Hope, sale of lands by trustees.	do
107. Trustees of the several congregations of the Wesleyan Metho- dist Church, empowered to place the lands held by them under the "Model Deed" .....	do
108. Trustees of the First Evangelical Lutheran St. John's Congre- gation of the Township of Ellice (Perth), incorporated .....	do
109. First Coloured Calvinistic Baptist Church, Toronto, appoint- ment of trustees for.....	do
110. Regular Baptist Missionary Convention of Ontario, incorporated	do
111. Trinity College School incorporated .....	do
112. Ottawa Ladies' College, charter amended .....	do
113. Wilberforce Educational Institute incorporated .....	do
114. German Benevolent Society of Toronto incorporated .....	do
115. County of Carleton General Protestant Hospital, charter amended .....	do
116. ACT RESPECTING COMPANIES FOR THE ESTABLISHMENT OF CEMETERIES, amended .....	Consol.
117. Edward Stonehouse, admission as a Barrister-at-Law, author- ized .....	Priv.
118. William Henry Lockhart Gordon, admission as Attorney, au- thorized.....	do
119. James Fleming, admission as an Attorney, authorized.....	do

## 36 VICT.—1873.

1. Supplies .....	Effete.
2. ELECTIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY .....	Consol.
3. APPOINTMENT OF QUEEN'S COUNSEL .....	do.
4. PRECEDENCE AT THE BAR .....	do.
5. COMMISSIONERS FOR TAKING AFFIDAVITS .....	do.
6. OFFICIAL SECURITIES .....	do.
7. Court Error and Appeal .....	Rep. 40 V., c. 7, Sch. B.
8. ADMINISTRATION OF JUSTICE ACT 1873.....	Consol.
9. COMMON LAW PROCEDURE ACT AMENDED.....	do.
10. LAW OF EVIDENCE.....	do.
11. PROOF OF TELEGRAPH MESSAGES, LETTERS, &c. ....	do.
12. EVIDENCE OF WITNESSES BEFORE ARBITRATORS .....	do.
13. PAYMENT OF SPECIAL JURORS .....	do.
14. COSTS IN UNDEFENDED ACTIONS OF EJECTMENT .....	do.
15. STAMPS ON LAW PROCEEDINGS, Act AMENDED.....	do.
16. PARTITION OF REAL ESTATE, Act AMENDED .....	do.
17. REGISTRY ACT AMENDED .....	do.
18. CONVEYANCE OF REAL ESTATE BY MARRIED WOMEN .....	do.
19. ASSURANCES ON THE LIVES OF HUSBANDS AND PARENTS .....	do.
20. LAW AS TO WILLS AMENDED .....	do.
21. ADMINISTRATION OF ESTATES OF INTESTATES, IN WHICH THE CROWN IS INTERESTED.....	do.
22. IMPROVEMENTS ON LAND UNDER A MISTAKE OF TITLE .....	do.
23. REGISTRATION OF CO-PARTNERSHIPS.....	do.

## CHAPS.

24. MASTER AND SERVANT.....	Consol.
25. AGREEMENTS BETWEEN MASTERS AND WORKMEN as to profits ..	do.
26. DISPUTES BETWEEN MASTERS AND WORKMEN.....	do.
27. LIENS OF MECHANICS.....	do.
28. Council of Public Instruction.....	Temp. Exp.
29. UNIVERSITY OF TORONTO.....	Consol.
30. SCHOOL OF PRACTICAL SCIENCE.....	do.
31. CUSTODY OF INSANE PERSONS.....	do.
32. DEAF AND DUMB AND THE BLIND.....	do.
33. Hospital for Habitual Drunkards .....	Not Consol.
34. Tavern and Shop Licenses.....	Rep. 37 V., c. 32, s. 61.
35. IMMIGRATION AID SOCIETIES.....	Consol.
36. Agriculture and Arts Act amended.....	Sup. 40 V., c. 17.
37. Agriculture and Arts Act further amended .....	do. do.
38. PUBLIC MONEY FOR DRAINAGE WORKS.....	Consol.
39. MUNICIPAL DRAINAGE WORKS.....	{ Ss. 1-18, 27 and 28, Rep. 37 V., c. 20; 19-26, Consol.
40. WATER PRIVILEGES .....	Consol.
41. JOINT STOCK ROAD COMPANIES.....	do.
42. JOINT STOCK ROAD COMPANIES .....	do.
43. PUBLIC HEALTH.....	do.
44. MUTUAL FIRE INSURANCE COMPANIES.....	do.
45. PROTECTION OF INSECTIVOROUS AND OTHER BIRDS.....	do.
46. DOUBLE TRACKS IN SNOW ROADS.....	do.
47. Municipal Loan Fund Debts .....	Not Pub. Gen.
48. MUNICIPAL INSTITUTIONS.....	Consol.
49. DISTRICT OF MUSKOKA.....	do. s. 11.
50. MUNICIPALITY OF SHUNIAH AND MUNICIPAL INSTITUTIONS.....	Ss. 28-31 Consol.
51. Town of Brampton incorporated.....	Loc.
52. River Etobicoke, change of course authorized .....	do
53. Town of Collingwood, charter amended.....	do
54. Village of Exeter incorporated.....	do
55. Town of Orangeville incorporated .....	do
56. Town of Clifton, By-laws for licensing and regulating Hacks and Carriages and their drivers, authorized .....	do
57. Village of Ashburnham, union of with Town of Peterborough .....	do
58. Township of Romney, side roads in .....	do
59. Side Lines in the Townships of Whitby and East Whitby.....	do
60. Side Lines Township of Emily (Victoria).....	do
61. Survey Fourth Con. of the Township of Colchester confirmed.....	do
62. Debt of the Town of Ingersoll.....	do
63. Streets and Market in the City of London .....	do
64. City of Toronto, disposition of the Bowes Property by .....	do
65. The County of York, Property in the City of Toronto vested in.....	do
66. Fair Ground of the County of Oxford, and the Public Square of the Town of Woodstock.....	do
67. Exemption of certain manufacturers from taxation in Town of Cornwall .....	do
68. Port Whitby and Port Perry Railway Co., position under the Acts in aid of Railways declared .....	Priv.
69. Dresden and Oil Springs Railway Co. incorporated.....	do
70. Erie and Huron Railway Co. incorporated .....	do
71. Guelph and Collingwood Railway Co. incorporated.....	do
72. Hamilton, Guelph and Orangeville Railway Co. incorporated.....	do
73. Prince Edward County Railway Co. incorporated .....	do
74. St. Mary's and Credit Valley Railway Co. incorporated.....	do
75. Lake Simcoe Junction Railway Co. incorporated.....	do
76. Trent Valley Railway Co. incorporated.....	do
77. Yorkville Loop Line Railway Co. incorporated.....	do
78. Toronto Grey and Bruce Railway Co., charter amended.....	do



## CHAPS.

79. Toronto and Nipissing Railway Co., charter amended .....	Priv.
80. Credit Valley Railway Co., charter amended .....	do
81. Streetsville and Port Credit Junction Railway Co .....	do
82. Wellington, Grey and Bruce Railway Co., charter amended ..	do
83. Wellington, Grey and Bruce Railway Co., error in Act of in- corporation amended .....	do
84. Hamilton and North-Western Railway Co., charter amended ..	do
85. Hamilton and Lake Erie Railway Co., charter amended, and agreements with other Co's. confirmed .....	do
86. Canada Southern Railway Co .....	do
87. Stratford and Huron Railway Co., Acts relating to, amended ..	do
88. Port Dover and Lake Huron Railway Co., powers extended ..	do
89. London, Huron and Bruce Railway Co., powers extended ...	do
90. Midland Railway of Canada .....	do
91. Simcoe and Port Ryerse Tram or Railroad and Harbour Co., charter amended .....	do
92. Norfolk Railway Co., charter amended .....	do
93. Onemee, Bobcaygeon and North Peterborough Junction Railway Co. ....	do
94. Presque Isle and Belmont Railway Co., charter revised and amended .....	do
95. Cobourg, Peterborough and Marmora Railway and Mining Co., extension of line authorised .....	do
96. Brockville and Westport Railway Co. incorporated .....	do
97. Fenelon Falls Railway Co., charter amended .....	do
98. By-laws of the Village of Renfrew, the Township of Horton, and the Township of Admaston, to subscribe for stock in the Canada Southern Railway Co., legalized .....	Loc. Priv.
99. London Street Railway Co. incorporated .....	Priv.
100. Hamilton Street Railway Co. incorporated .....	do
101. Toronto Street Railway Co., re-incorporation .....	do
102. Water Works for the City of London .....	Loc. Priv.
103. City of Kingston Water Works Co. ....	Priv.
104. Water Works for the City of Ottawa .....	Loc. Priv.
105. Three A Silver Mining Co. incorporated .....	Priv.
106. Beck Mining Co. of Marmora incorporated .....	do
107. Black Bay Silver Mining Co., incorporated .....	do
108. Cornish Silver Mining Co. incorporated .....	do
109. Gatling Gold and Silver Mining Co., incorporated .....	do
110. Hubbard Silver Mining Co. incorporated .....	do
111. Silver Harbour Mining Co. incorporated .....	do
112. Carp River Improvement Co. incorporated .....	do
113. Agricultural Emporium of Ontario incorporated .....	do
114. Toronto Gravel Road and Concrete Co. incorporated .....	do
115. London and Petrolia Oil Pipe Co. incorporated .....	do
116. Lyn General Manufacturing Co. incorporated .....	do
117. Fire Extinguisher Manufacturing Co. incorporated .....	do
118. Hamilton Warehousing and Transportation Co. incorporated ..	do
119. Clifton Water Power and Manufacturing Co. incorporated ..	do
120. Improvement of the Cobourg Harbour .....	Loc.
121. Colonial Trusts Corporation (Limited) .....	Priv.
122. Canada Landed Credit Co., charter amended .....	do
123. President, Directors and Co. of the Credit Harbour, charter amended .....	do
124. Bathurst and Tay River macadamized Road Co., charter amended .....	do
125. Canada Company, Act authorizing to divert the River Aux Sables, and to drain lands in the Township of McGillivray, Bosanquet and Stephen, amended .....	do
126. Toronto Fuel Association incorporated .....	do
127. Toronto Financial Corporation incorporated .....	do
128. Toronto House-building Association, charter amended .....	do
129. Toronto Opera House Co. incorporated .....	do

## CHAPS

130. Consumers' Gas Co. of Toronto, addition to capital authorized	Priv.
131. Hamilton Club incorporated.....	do
132. Cobourg Hotel Co. incorporated.....	do
133. East Middlesex Agricultural Society, lands vested in .....	do
134. Amalgamation of the London Freehold and Leasehold Land Benefit B. S., and the London Union Savings Loan and Per- manent Investment Soc. with the Agricultural Investment Society and Savings Bank.....	Priv.
135. PROPERTY OF RELIGIOUS INSTITUTIONS .....	Consol.
136. Christ Church, Ottawa.....	Priv.
137. Temporal Committee of Knox Church, Ottawa, incorporated.	do
138. Presbyterian Church, in the Township of Cumberland, lands vested in trustees.....	do
139. Presbyterian Church, Port Hope, lands vested in trustees....	do
140. Presbyterian Congregation of the City of London, sales and conveyances of certain lands legalized.....	do
141. Knox Church in Owen Sound, sale of Church Property by trustees.....	do
142. Roman Catholic Episcopal Corporation of the Diocese of London, Act of incorporation amended.....	do
143. Brothers of the Christian Schools incorporated.....	do
144. Methodist New Connexion Church of Canada .....	do
145. Toronto Baptist Missionary Union incorporated.....	do
146. Canada Congregational Missionary Society incorporated .....	do
147. Superannuated Preachers' Annuitant Society incorporated..	do
148. Dundas Wesleyan Institute incorporated.....	do
149. Beechwood Cemetery Company, of Ottawa, incorporated....	do
150. Toronto Eye and Ear Infirmary incorporated.....	do
151. Orphans' Home and Female Aid Society, Toronto, charter amended.....	do
152. Boys' Home of the City of Hamilton, incorporated.....	do
153. Father Matthew Temperance Association of Ontario, incor- porated .....	do
154. Toronto Magdalene Asylum, Act relating to, amended .....	do
155. Nazrey Institute and Wilberforce Educational Institute amal- gamated.....	do
156. Home of the Friendless at Hamilton incorporated.....	do
157. Nicholas Sparks, Sale of lands belonging to the estate of.....	do
158. Joseph Whitehead, and Margaret Whitehead, his wife, lands vested in, in fee.....	do
159. Charles John Fuller, admission as Barrister-at-Law autho- rized.....	do
160. Charles Gream, admission as an Attorney authorized.....	do
161. John Peter McMillan, admission as an Attorney authorized....	do
162. William Robert White, admission as a Barrister-at-Law authorized .....	do
163. Robert Wardrop, admission as an Attorney authorized.....	do

## 1874—37 VICT.

1. Supplies .....	Effete.
2. EXECUTIVE COUNCIL.....	Consol.
3. INCOME FRANCHISE .....	do
4. Voters' Lists.....	Rep. 39 V., c. 11. s.
5. BALLOT ACT .....	31.
6. SOLEMNIZATION OF MARRIAGES.....	Consol.
7. ADMINISTRATION OF JUSTICE ACT, 1874.....	do
8. Escheats and Forfeitures .....	{ Disallowed by Or- der in Council, 1st April, 1875.
9. ALLOWANCES TO TRUSTEES, EXECUTORS, &C.....	
	Consol.

## CHAPAS.

10. LANDLORD AND TENANT, APPORTIONMENT OF RENT .....	Consol.
11. INNKEEPERS .....	do
12. ACCIDENTS BY THRESHING AND OTHER MACHINES.....	do
13. ATTACHMENTS OF DEETS .....	do
14. INSPECTOR OF PUBLIC ASYLUMS, EX-OFFICIO COMMITTEE OF CERTAIN LUNATICS.....	do
15. Sales for Taxes in Junior Counties.....	Occ.
16. MUNICIPAL INSTITUTIONS.....	Consol.
17. MUNICIPAL INSTITUTIONS IN PARRY SOUND, MUSKOKA, NIPIS- SING AND THUNDER BAY .....	do
18. GOVERNMENT OF THE VICINITY OF NIAGARA FALLS.....	do
19. ASSESSMENT ACT AMENDED .....	do
20. MUNICIPAL DRAINAGE BY-LAWS .....	do
21. Encouragement of settlement in Free Grant Territory ..	Repeals part of 34. V., c. 5
22. REMISSION OF SUMS DUE TO THE CROWN BY SETTLERS IN CERTAIN FREE GRANT TOWNSHIPS.....	Consol.
23. Sales of pine trees by Settlers in certain Free Grant Town- ships.....	Loc.
24. JOINT STOCK ROAD COMPANIES.....	Consol.
25. LINE FENCES.....	do
26. PUBLIC WORKS OF ONTARIO.....	do
27. COUNCIL OF PUBLIC INSTRUCTION AND HIGH SCHOOLS.....	do
28. PUBLIC SCHOOLS.....	do
29. INDUSTRIAL SCHOOLS.....	do
30. MEDICINE AND SURGERY.....	do
31. AID TOWARDS GAOL ADDITIONS AND ALTERATIONS.....	do
32. SALE OF FERMENTED OR SPIRITUOUS LIQUORS.....	do
33. AID TO CHARITABLE INSTITUTIONS.....	do
34. BENEVOLENT, PROVIDENT, AND OTHER SOCIETIES ..	do
35. JOINT STOCK COMPANIES BY LETTERS PATENT .....	do
36. INSPECTION OF RAILWAYS .....	do
37. RAILWAY FUND AND RAILWAY SUBSIDY FUND.....	do
38. Belleville and North Hastings Railway Co. incorporated.	Priv.
39. Bowmanville, Lindsay and Bobcaygeon Railway Co. incor- porated .....	do
40. Brockville and Ottawa Railway Co., issue of preferential mort- gage Debentures.....	do
41. Canada Southern Railway Co.....	do
42. Credit Valley Railway Co., Acts relating to, amended. ....	do
43. Grand Junction Railway Co.....	do
44. Hamilton and North-Western Railway Co. charter amended	do
45. Debt of the Hamilton and Lake Erie Railway Co.....	do
46. Huron and Ottawa Railway Co. incorporated.....	do
47. Huron and Quebec Railway Co.....	do
48. London and Erie Railway Co. incorporated .....	do
49. London, Huron, and Bruce Railway Co., charter amended ..	do
50. London Junction Railway Co. incorporated .....	do
51. London and Port Stanley Railway Co., and G. W. Railway Co., indenture between amended.....	do
52. Midland Railway Co. of Canada .....	do
53. Norfolk Railway Co., name changed to the Brantford, Norfolk, and Port Burwell Railway Co .....	do
54. North Simcoe Railway Co. incorporated .....	do
55. Omemee, Bobcaygeon and North Peterborough Junction Railway Co.....	do
56. Ontario Central Railway Co. incorporated .....	do
57. Port Dover and Lake Huron Railway. Acts relating to, amended .....	do
58. By-law of Perth, granting aid to the Port Dover and Lake Huron Railway Co., and to the Stratford and Lake Huron Railway Co., legalized .....	do
59. Port Whitby and Port Perry Railway Co., Act of incorporation amended .....	do

## CHAPS.

60. Prince Edward County Railway Co., Act of Incorporation amended .....	Priv.
61. Sarnia Street Railway Co. incorporated .....	do
62. South-Western Railway of Canada incorporated .....	do
63. Victoria Railway Co., Acts relating to, amended .....	do
64. Sandwich and Windsor Passenger Railway, time for completion extended .....	do
65. MUNICIPALITY OF HALIBURTON, INCORPORATED AND PROVISION FOR ITS BECOMING A PROVISIONAL COUNTY .....	Consol.
66. Village of Clifford, incorporation of .....	Loc.
67. Village of Hastings incorporated .....	do
68. Town of Meaford incorporated .....	do
69. Village of Meritton incorporated .....	do
70. Village of Wingham, incorporation confirmed .....	do
71. Consolidated Debt of the Town of Bowmanville .....	do
72. By-laws of the County of Oxford, legalized .....	do
73. Highway and Bridges over the Desjardins Canal .....	do
74. City of Toronto Waterworks .....	do
75. Water Works in the City of Toronto .....	do
76. Water Works of the City of Ottawa .....	do
77. Water Works for the Town of Port Hope .....	do
78. Water Works for the Town of Peterborough .....	do
79. Water Works in the Town of Windsor .....	do
80. Village of Southampton (Bruce), disposition of certain lands authorized .....	do
81. Concession Line in the Township of Sandwich East (Essex) ..	do
82. Concession Line in the Township of Sandwich West (Essex) ..	do
83. Ridings of the County of Huron united for the purposes of Registration of Titles .....	do
84. North American Despatch Co. incorporated .....	Priv.
85. The London Life Insurance Co. incorporated .....	do
86. Ontario Mutual Life Assurance Co. Act amended .....	do
87. Mercantile Fire Insurance Co. incorporated .....	do
88. Canada Live Stock Insurance Co. incorporated .....	do
89. Toronto Fuel Association, Act of incorporation amended .....	do
90. Toronto Gravel Road and Concrete Co., Act of incorporation amended .....	do
91. Cathedral of the Holy Trinity (London), incorporated .....	do
92. St. James Church, Toronto, issue of debentures by Churchwardens authorized .....	do
93. Trinity College School, Act of incorporation amended .....	do
94. Trinity Church Cornwall .....	do
95. St. Thomas Cemetery Co., Act of incorporation amended .....	do
96. Cemetery Ground, Village of Dresden, sale of, authorized .....	do
97. Presbyterian Church, Oshawa, sale of lands by Trustees to the Rev. R. H. Thornton, D.D., legalized .....	do
98. Henry William Delaney, admission as an Attorney authorized ..	do
99. Benjamin Valleck Elliot, admission as an Attorney authorized ..	do
100. Joseph James Gormully, admission as an Attorney authorized ..	do
101. John McSweyn, admission as an Attorney authorized .....	do
102. B. H. Vidal, admission as an Attorney authorized .....	do
103. John Wright, admission as a Barrister authorized .....	do

## 38 VICT.—1874.

1. Supplies .....	Effete.
2. REPRESENTATION IN THE LEGISLATIVE ASSEMBLY .....	Consol.
3. ELECTIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY, AND THE TRIAL OF ELECTIONS .....	do
4. SUMMARY CONVENTIONS .....	do
5. BOUNDARY BETWEEN THE PROVINCES OF ONTARIO AND QUEBEC ..	do
6. NORTHERLY AND WESTERLY BOUNDARIES OF THE PROVINCE OF ONTARIO .....	do



CHAPS.	
7. ESTATE BILLS.....	Consol.
8. MARRIAGES AND LICENSES, AND CERTIFICATES TO MARRY....	do
9. TERMS IN THE COURTS OF QUEEN'S BENCH AND COMMON PLEAS	do
10. To amend s. 13 of the "Administration of Justice Act, 1874"	Efete.
11. PROCEDURE ON APPEALS TO THE JUDGE OF A COUNTY COURT FROM SUMMARY CONVICTIONS.....	Consol.
12. DIVISION COURTS .....	do
13. COURTS IN UNORGANIZED DISTRICTS, AND RESPECTING MUNI- CIPALITIES THEREIN .....	do
14. JURORS' ACT AMENDED.....	do
15. RAILWAY ARBITRATIONS .....	do
16. LIMITATION OF ACTIONS AND SUITS RELATING TO REAL PRO- PERTY .....	do
17. REGISTRATION OF TITLES ACT, AMENDED.....	do
18. ADMINISTRATION OF PERSONAL ESTATES OF SMALL VALUE....	do
19. APPRENTICES AND MINORS.....	do
20. THE MECHANICS LIEN ACT OF 1873 AMENDED.....	do
21. BENEVOLENT, PROVIDENT AND OTHER SOCIETIES.....	do
22. OFFICIAL SECURITIES GIVEN FOR THE PROTECTION OF PRIVATE PERSONS .....	do
23. LETTERS' PATENT TO JOINT STOCK COMPANIES .....	do
24. CENTRAL PRISON.....	do
25. ONTARIO DRAINAGE ACT OF 1873, AMENDED.....	do
26. DITCHING WATER-COURSES.....	do
27. IMPROVEMENT OF WATER PRIVILEGES.....	do
28. VOTING BY BALLOT AT MUNICIPAL ELECTIONS.....	do
29. Municipal Loan Fund debts and certain payments to Muni- cipalities .....	Not Pub. Gen.
30. GOVERNMENT OF THE VICINITY OF THE FALLS OF NIAGARA.....	Consol.
31. County of Dufferin .....	Loc.
32. Village of Ailsa Craig.....	do
33. Town of Palmerston.....	do
34. Town of Thorold.....	do
35. Village of Wroxeter, incorporation of.....	do
36. Town of Listowel.....	do
37. Town of Clinton.....	do
38. Exemption of certain property in Madoc, Tudor, Wallaston, Limerick and Cashel from taxation .....	do
39. Wellington Ward Market, Ottawa.....	do
40. Debt of the Town of Peterborough.....	do
41. Survey in the Township of Eldon (Victoria) confirmed .....	do
42. Allowances for Roads in the Townships of Westneath and Ross (Renfrew) .....	do
43. Town-line dividing the Townships of Tilbury East and Rom- ney (Kent) altered .....	do
44. City of Kingston, closing up of a part of Union Street author- ized .....	do
45. Belleville and North Hastings Co .....	Priv.
46. Erie and Huron Railway Co., powers extended .....	do
47. Cobourg, Peterborough and Mannora Railway and Mining Co. issue of preferential debentures authorized .....	do
48. Hamilton and North Western Railway Co., Act of incorpora- tion amended .....	do
49. Huron and Quebec Railway Co. Act of incorporation amended.	do
50. Hurontario Railway Co. incorporated .....	do
51. L'Original and Caledonia Railway Co. incorporated .....	do
52. Lake Simcoe Junction Railway Co., Act of incorporation amended .....	do
53. North Simcoe Railway Co., Act of incorporation amended ...	do
54. Port Stanly, Strathroy and Port Franks Railway Co. incor- porated.....	do
55. Stratford and Huron Railway Co., Act of incorporation amended .....	do

## CHAPS.

56. Toronto Grey and Bruce Railway Co., Act relating to, amended.	Priv.
57. Toronto and Nipissing Railway Co., Act relating to, amended.	do
58. Trent Valley Railway Co., Act incorporating, amended.	do
59. Wellington, Grey and Bruce Railway Co., Acts respecting, amended.	do
60. Toronto, High Park and Mimico Tramway Co. incorporated.	do
61. Victoria Railway Co., Acts relating to, amended.	do
62. Central Station and Warehousing Co. of Toronto incorporated.	do
63. St. Catharines Street Railway Co., incorporated.	do
64. Huron and Ontario Ship Canal Co.	do
65. LAWS RELATING TO FIRE INSURANCES AMENDED.	Consol.
66. Alliance Insurance Co., incorporated.	Priv.
67. Canada Fire and Marine Insurance Co., incorporated.	do
68. Industrial and Commercial Life Assurance Co. of Canada incorporated.	do
69. Gatling Gold and Silver Mining Co. incorporated.	do
70. Hawkeye Gold and Silver Mining Co., Acts relating to, amended.	do
71. Brantford Gas Co., issue of preferential Stock.	do
72. Hamilton Exchange incorporated.	do
73. Canada Landed Credit Co., powers extended.	do
74. Synod of the Diocese of Huron incorporated.	do
75. Union of sections of the Presbyterian Church.	do
76. Queen's College at Kingston.	do
77. Presbyterian Church, London, appointment and Acts of Trustees confirmed.	do
78. Methodist Church of Canada.	do
79. Victoria College at Cobourg.	do
80. Synod of the Diocese of Ontario, lands in Village of Trenton vested in.	do
81. Parsonage or Rectory within the Township of Drummond, Act relating to, amended.	do
82. Trinity Church, Cornwall, Act relating to, amended.	do
83. St. John's Church, Iroquois, mortgage of certain lands of.	do
84. St. James Church, Orillia.	do
85. Christ's Church, Hamilton.	do
86. Temporal Committee of St. Andrew's Church, Ottawa, Act of incorporation amended.	do
87. County of Carleton General Protestant Hospital.	do
88. Ottawa Ladies' College, Act of incorporation amended.	do
89. Curtis Cemetery, St. Thomas, lands vested in Trustees of.	do
90. Trustees of the Toronto General Burying Grounds, Act of incorporation amended.	do
91. Cairn Robins Wilkes, conveyance of certain property devised to her by her father, authorized.	do
92. Francis Elkington, admission as an Attorney authorized.	do
93. William George Murdoch admission as a Barrister-at-Law authorized.	do
94. Edward Stonehouse, admission as a Barrister-at-Law authorized.	do

## 39 VICT.—1875-76.

1. REPEAL, &c., OF CERTAIN ENACTMENTS OF THE PRECEDING SESSION	Consol.
2. REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS	do
3. PLACE OF SOLEMNIZING MARRIAGES	do
4. Surplus Distribution money application of	Not Consol.
5. MUNICIPAL ELECTIONS	Consol.
6. Supplies	Effete
7. AMENDMENTS OF THE LAW	Consol.
8. CERTAIN ADMINISTRATIVE MATTERS	do
9. LEGISLATIVE ASSEMBLY	do

CHAPS.	
10. ELECTIONS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY .....	Consol.
11. VOTERS' LISTS .....	do
12. TERMS IN THE COURTS OF QUEEN'S BENCH AND COMMON PLEAS .....	do
13. PAYMENT OF WITNESSES FOR THE CROWN .....	do
14. COUNTY COURT JUDGES .....	do
15. DIVISION COURTS ACTS AMENDED .....	do
16. EDUCATION DEPARTMENT .....	do
17. SURETIES FOR PUBLIC OFFICERS OF ONTARIO .....	do
18. PUBLIC WORKS .....	do
19. INSPECTOR OF PRISONS, EXAMINATION OF WITNESSES ON OATH BY .....	do
20. INSANE PERSONS .....	do
21. RAILWAY ACT AMENDED .....	do
22. AID TO CERTAIN RAILWAYS .....	do
23. INSURANCE COMPANIES .....	do
24. CONDITIONS IN POLICIES OF FIRE INSURANCE .....	do
25. REGISTRY ACTS AMENDED .....	do
26. SALE OF FERMENTED OR SPIRITUOUS LIQUORS .....	do
27. CORPORATIONS AND INSTITUTIONS INCORPORATED OUT OF THE PROVINCE, LENDING AND INVESTMENT OF MONEYS BY .....	do
28. REFERENCES OF MATTERS OF ACCOUNT TO REFEREES .....	do
29. LAW OF VENDOR AND PURCHASER .....	do
30. TAX ON DOGS AND PROTECTION OF SHEEP, ACT AMENDED .....	do
31. LAW SOCIETY .....	do
32. PERMANENT BUILDING SOCIETIES .....	do
33. ASSESSMENT ACT OF 1869 AMENDED .....	do
34. MUNICIPAL ACT AMENDED .....	do
35. VOTING BY BALLOT ON MUNICIPAL BY-LAWS .....	do
36. Government of the vicinity of the Falls of Niagara .....	Temp. Exp.
37. MUNICIPALITY OF SHUNIAH, AND TAX ON LANDS IN ALGOMA ..	Ss. 11 and 12 Consol.
38. Preceding Act (Chap. 37,) amended .....	Loc.
39. Village of Arthur, limits of, defined .....	do
40. Village of Bayfield, incorporation confirmed .....	do
41. Village of Grimsby incorporated .....	do
42. Village of L'Orignal incorporated .....	do
43. Town of Meaford incorporated .....	do
44. Village of Newboro' incorporated .....	do
45. Town of Waterloo incorporated .....	do
46. City of St. Catharines incorporated .....	do
47. Water Works in the Town of St. Catharines .....	do
48. Village of Caledonia, issue of Debentures .....	do
49. County of Huron, issue of Debentures .....	do
50. By-law No. 333 of the Town of Belleville .....	do
51. To consolidate the debt of the Town of Cobourg .....	do
52. Town of Cobourg, aid to Cobourg Carpet, Matting and Manu- facturing Co. ....	Loc. Priv
53. Guelph General Hospital, charter amended .....	Priv.
54. Northumberland and Durham Counties and Townships' arrangement Act .....	Loc.
55. By-law of the Village of Oshawa legalized .....	do
56. City of Ottawa, Mortgage of By Ward Market property .....	do
57. By-law of the Town of Perth legalized .....	do
58. Town of Peterborough, additional debt authorized .....	do
59. Consolidated Debt of the Town of Port Hope .....	do
60. By-laws passed respectively of the Town of Sarnia and the County of Lambton respecting the Sarnia Water Works, legalized .....	do
61. Election of School Trustees in the City of Toronto .....	do
62. City of Toronto, disposition of a portion of the Garrison Reserve authorized .....	Loc.
63. City of Toronto, the Toronto Street Railway Co. &c. ....	Loc. Priv.
64. Toronto Water Works .....	Loc.
65. Toronto General Hospital, Acts relating to, amended .....	Priv.

## CHAPS.

66. Toronto General Burying Grounds, sale of certain lands by Trustees of.....	Priv.
67. Central Station and Warehousing Co. of Toronto, Act of incorporation amended .....	do
68. Belleville and Ottawa River Railway Co. incorporated.....	do
69. Canada Central Railway Co., Registration of a certain Indenture by .....	do
70. Dresden and Oil Springs Railway Co., Name changed to the Sarnia, Chatham and Erie Railway Co .....	do
71. Grand Junction Railway Co .....	do
72. Hamilton and North-Western Railway Co., Acts relating to, amended.....	do
73. Huron and Quebec Railway Co., Act of Incorporation amended.....	do
74. Kingston Street Railway Co. incorporated.....	do
75. Lambton Central Railway Co. incorporated .....	do
76. Lake Simcoe Junction Railway Co.....	do
77. London, Huron and Bruce Railway Co., Acts relating to, amended .....	do
78. L'Original and Caledonia Railway Co., Act of Incorporation amended.....	do
79. Niagara Falls and Lake Erie Railway Co. incorporated .....	do
80. Ontario Mineral Railway Co. incorporated .....	do
81. Petrolia Oil Pipe Co. incorporated .....	do
82. Port Stanley, Strathroy and Port Franks Railway Co., Act of Incorporation amended .....	do
83. Prince Arthur's Landing and Kaministiquia Railroad Co. incorporated .....	do
84. Streetsville and Port Credit Junction Railway .....	do
85. Yorkville Loop Line Railway Co., Act of Incorporation amended.....	do
86. Belleville Street Railway Co. incorporated .....	do
87. Hamilton and Dundas Street Railway Co., incorporated.....	do
88. Hamilton Gas Light Co., Act of Incorporation amended....	do
89. Gatling Gold and Silver Mining Co., Act of Incorporation amended.....	do
90. Thunder Bay Silver Mining Co.....	do
91. Canada Fire and Marine Insurance Co., Act of Incorporation amended .....	do
92. Home Fire Insurance Co. incorporated.....	do
93. Union Fire Insurance Co. incorporated.....	do
94. Canada Permanent Building and Savings Society, name changed to the Canada Permanent Loan and Savings Co..	do
95. The Huron and Erie Savings and Loan Society, name changed to the Huron and Erie Loan and Savings Co.....	do
96. Western Canada Permanent Building and Savings Society, name changed to the Western Canada Loan and Savings Co.	do
97. Canada Landed Credit Company, addition to Capital authorized .....	do
98. Directors of the County of Carleton General Protestant Hospital, incorporation confirmed .....	do
99. Board of Education for the Town of Lindsay, lands vested in trust for Public School purposes.....	do
100. Vaughan Road Co., Relief of.....	do
101. Albion Road Co., Relief of .....	do
102. United Empire Club incorporated .....	do
103. Simcoe Mechanics' Institute and Library Association, loan authorized .....	do
104. L'Institut Canadien Français de la Cité d'Ottawa, Acts relating to, amended.....	do
105. Temperance Street Church, Toronto, Appointment of Trustees confirmed .....	do
106. St. Andrew's Church, Toronto .....	do



CHAPS.

107. Synod of the Diocese of Niagara incorporated . . . . .	Priv.
108. Sale of the Rectory Lands in this Province, Act amended . . .	do
109. Synod and Rectory Sales Acts affecting the Diocese of Ontario, amended . . . . .	do
110. St. Paul's Church, Lindsay, sale of certain lands of . . . . .	do
111. Disposal of certain lands held for Church of England purposes in the City of Ottawa . . . . .	do
112. St. Paul's Church, Woodstock; lands of . . . . .	do
113. St. John's Church, in the Township of Ancaster . . . . .	do
114. John William Shackleton, admission as a Provincial Land Sur- veyor authorized . . . . .	do

40 VICT.—1877.

1. Supplies . . . . .	Efete.
2. Amendment of certain Acts of previous Session . . . . .	Not Pub. Gen.
3. ESCHEATS AND FORFEITURES . . . . .	Consol.
4. ADMINISTRATION OF ESTATES OF INTESTATES . . . . .	do
5. REFERENCES TO SUPREME COURT . . . . .	do
6. Revised Statutes of Ontario . . . . .	Not Consol.
7. AMENDMENTS TO DRAFT REVISED STATUTES . . . . .	Consol.
8. AMENDMENTS OF THE LAW . . . . .	do
9. FARMERS' SONS FRANCHISE . . . . .	do
10. ELECTIONS TO LEGISLATIVE ASSEMBLY . . . . .	do
11. REPRESENTATION IN THE LEGISLATIVE ASSEMBLY . . . . .	do
12. VOTERS' LISTS . . . . .	do
13. Municipal Loan Fund . . . . .	Not Consol.
14. AID TO RAILWAYS AND RAILWAY LAND SUBSIDY FUND . . . . .	Consol.
15. FREE GRANTS AND HOMESTEADS . . . . .	do
16. EDUCATION . . . . .	do
17. AGRICULTURE AND ARTS . . . . .	do
18. SALE OF FERMENTED AND SPIRITUOUS LIQUORS . . . . .	do
19. LOCAL COURTS, COUNTY OF YORK . . . . .	do
20. CONSTABLES . . . . .	do
21. MORTGAGES AND SALES OF PERSONAL PROPERTY . . . . .	do
22. PERMANENT BUILDING SOCIETIES . . . . .	do
23. DENTISTRY . . . . .	do
24. TERRITORIAL AND OTHER DISTRICTS . . . . .	do
25. MUNICIPAL INSTITUTIONS . . . . .	do
26. DRAINAGE BY MUNICIPALITIES . . . . .	do
27. ASSESSMENT OF PROPERTY . . . . .	do
28. ASSESSMENT ACTS AMENDED . . . . .	do
29. LINE FENCES . . . . .	do
30. District of Nipissing . . . . .	Not Pub. Gen.
31. MUNICIPALITY OF SHUNIAH . . . . .	Secs. 9 & 10 Consol.
32. Municipality of Sault Ste. Marie . . . . .	Loc.
33. City of Belleville incorporated . . . . .	do
34. City of Brantford incorporated . . . . .	do
35. Town of Orillia, limits defined . . . . .	do
36. Village of Port Elgin . . . . .	do
37. Water-Works, City of Ottawa . . . . .	do
38. Court House, Hamilton . . . . .	do
39. City of Toronto, Toronto Water-Works . . . . .	do
40. By-law of Toronto legalized . . . . .	do
41. By-law, County of Simcoe, legalized . . . . .	do
42. By-law 240 of Town of Windsor legalized . . . . .	do
43. Debt of Port Hope Harbour . . . . .	do
44. Aid to Manufacturing Establishment by Town of Cobourg . . .	do
45. Aid to Canada Screw Co., by Town of Dundas . . . . .	do
46. Sale of lands by Township of Adelaide . . . . .	do
47. Survey in Townships of Bosanquet and McGillivray, altered . .	do
48. Survey Township of Matilda, legalized . . . . .	do

## CHAPS.

49. St. Mark's Church, Niagara.....	Priv.
50. St. John's Church, Iroquois.....	do
51. St. Paul's Church, Almonte.....	do
52. St. Paul's Church, Newmarket.....	do
53. St. Paul's Church, Toronto.....	do
54. Church of St. Alban, the Martyr, Ottawa.....	do
55. Sale of Lands by Synod of Niagara.....	do
56. Sale of Lands by Synod of Huron.....	do
57. Presbyterian Church, Orillia.....	do
58. R. C. Episcopal Corporation, Hamilton.....	do
59. William Hall Peterborough Protestant Poor Trust.....	do
60. Conference of the Christian Church, Canada.....	do
61. Ontario Missionary Society of Methodist Episcopal Church, incorporated.....	do
62. U. C. Bible Society.....	do
63. Canadian Literary Institute, Woodstock.....	do
64. Alma College, St. Thomas, incorporated.....	do
65. Trinity Medical School incorporated.....	do
66. Standard Fire Insurance Co., incorporated.....	do
67. People's Gas Co., incorporated.....	do
68. Industrial Exhibition Co., incorporated.....	do
69. Bothwell (C. W.) Land and Petroleum Co., (Limited)....	do
70. Pickering Harbour and Road Joint Stock Co.....	do
71. Peel General Manufacturing Co.....	do
72. Leamington Comber and Lake St. Clair Railway Co.....	do
73. Niagara and St. Catharines Railroad and Steamboat Co., incorporated.....	do
74. Port Dover and Lake Huron Railway Co..	do
75. North Simcoe Railway Co.....	do
76. Hamilton and North Western Railway Co.....	do
77. Credit Valley Railway Co.....	do
78. Toronto, Grey and Bruce Railway Co.....	do
79. Stratford and Huron Railway Co.....	do
80. Huron and Quebec Railway Co.....	do
81. Cobourg, Peterboro' and Marmora Railway Co.....	do
82. Whitby and Port Perry Extension Railway Co.....	do
83. Guelph Street Railway Co., incorporated.....	do
84. Metropolitan Street Railway Co., incorporated.....	do
85. Toronto Street Railway Co.....	do
86. St. Catharines Street Railway Co.....	do
87. W. E. Idsardi, admission as a Land Surveyor.....	do
88. Verbal corrections in Acts of the present Session.....	do

## APPENDIX B.

## APPENDIX B.

SHEWING ACTS AND PARTS OF ACTS CONSOLIDATED IN THE REVISED  
 STATUTES OF ONTARIO.

[illegible]



CON. STAT. CANADA.					CON. STAT. CANADA.							
Chap.	Sec.	CONSOLIDATED.				Chap.	Sec.	CONSOLIDATED.				
		Chap.	Sec.	Page.				Chap.	Sec.	Page.		
5	6 (3)	1	8 (7)	4		16	1 (1)	20	1	230		
	(4)		(9)	"			(2)		2	"		
	(5)		(9)	"			2		3	"		
	(6)		(8)	"			3		4	"		
	(7)		(23)	6			4		5	231		
	(8)		(13)	4			5		6	"		
	(9)		(14)	5			6		7	"		
	(10)		(4)	3			7		8	232		
	(11)		(15)	5			8		9	"		
	(12)		(16)	"			9		10	"		
	(13)		(17)	"	Part Dom.		10				{ Sup. 39 V. c. 7, s. 13 (O).	
	(14)		(21)	"			11	20	12	232		
	(15)				Dom.		12		13	233		
	(16)				Dom.		13		14	"		
	(17)	1	8 (29)	7			14				{ Dom. Sup. 31 V. c. 5, s. 14 (D).	
	(18)		(31)	"								
	(19)		(32)	"								
	(20)		(22)	6			15				{ Sup. 31 V. c. 1, s. 7 (22) (O).	
	(21)		(28)	7	Part Dom.							
	(22)		(25)	6								
	(23)		(26)	"			16				{ Rep. 39 V. c. 7, s. 1. Sch. A.	
	(24)		(24)	"			to					
	(25)		(46)	9			29					
	(26)		(39)	8	Part Dom.		30				{ Sup. 36 V. c. 48, s. 273.	
	(27)		(36)	"			31	20	15	233		
	(28)		{ (37) }	"			32		16	"		
	(29)		(47)	10			33		17	234		
	(30)	10		"			34		18	"		
	7				{ Sup. 31 V. c. I, ss. 9-14		35		19	235		
	to							36		21	"	
	12							37		20	"	
	13				Effete.		38		24	237		
	14 (1)	62	37	785	Part Dom.		39		22	236		
	(2)				Quebec.		40 (1)		23	"		
	15				Short title.							
8	1				{ Rep. 31 V. c. 66, s. 14		(2)				{ Dom. Sec 32-3 V. c. 21 ss. 71 & 72.	
	to											
	8											
	9	97	1, 3	946			(3)	20	24	237		
	10				{ Rep. 31 V. c. 66, s. 14 (D).		41		28	238		
	to						42 (1)		29	"		
	13							(2)				
10	1	13	1	200							{ Dom. Sec 31 V. c. 71, s. 4 (D).	
	2						43	20	25	237		
	to				Dom.		44 (1)		26	"		
	5						(2)		27	"		
	9				Effete.		45				{ Unnecessa-ry. See 40 V. c. 6, s. 9.	
12	1	15	1	202								
	2		2	203								
	3		3	"		23	1	26	1	275		
			{ 4	"			2		2	"		
	4		5	"			3		9	277		
	5		6	"			4		10	"	{ Part Dom.	
	6		7	204			5		11	278		
	7		8	"			6		12	"		
							7		13	"		
	8				{ Rep. 39 V. c. 17, s. 9, and c. 7, (O)		8		14, 15	279	{ Dom. in p't. Dom.	
	to						9		16	"		
	22					{ Sched. A. (O)	10 (1)					"
					Sup. 39 V. c. 17, s. 5.		(2)	26	17	280		
	23						11 (1)		18	"		

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	13											
	14	26	21	280								
25	1 2 3 to 5 6 7 8 9 10 11 12 13 14 15	28	1 1 & 2	287 283			39	1 2 3 4 5	191	15 1 2 4	1974 " 1969 1970 "	{ Dom.
					Effete.							
					Quebec.							
		28	3 5 4 6 7	288 " " 289 "		54	1 to 7 8 9 10 11 12 13	116	14 16	1118 1119 "	{ Dom. Rep. 24 V. c. 23, s. 3. Dom.	
		28	8 9 10	289 " "	Effete.							
27	1 2 3 4-6	146	3	1275	{ Dom. Sup. 40 V. c. 9 (D). Dom.	57	1 2 3 4 5 6 7 8				{ Dom. Quebec. Dom. Quebec. Dom.	
29	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	31	2 3 4 5 6 7 8	316 317 " " " " 318	{ Dom. Part Dom.	59	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	62 121	34 35 36 5 2 6 9 8 10 1 4 7 11 12 3 14	785 " " 1141 " 1142 " 1140 1141 1142 " 1143 1141 1143	{ Dom. Sup. 32-3 V. c. 21 s. 79. Dom. Sup. 32 3 V. c. 21 s. 86. Transac- tions prior to 28 July, 1847. Act to re- late from 28 July, 1847.	
30	1 2 3 4 5 6(1) (2) 7 8 9(1) (2) 10 11 12	32	1 2 3 4 5 6 7 8 9 10 11 12 13 14	321 322 " " 323 " 324 " " 325 " " " "								
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	4		4	"			46		37	"				
	5		5	"			47		38	"				
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	7		7	"			49		40	"				
	8		8	"			50		41	"				
	9		9	"			51		42	"				
	10		10	"			52							
	11		11	"										
	12		12	1146			53		148	43		1306		
	13		13	"			54							
	14		14	"			55		148	44		1307		
	15		15	"										
	16		16	"			56							
	17		17	"										
	18		18	"										
19	to 22		1147	{ Partner- ships to car- ry on busi- ness in both Ont. & Que.	64	1	156	1	1407					
20		2				2		1408						
21		3				3		"						
61	1	148	2	1297		65	1	157	2	1409				
	2		3	"			2		3	"				
	3		4	"			3		4	"				
	4		5	"			4		5	"				
	5		6	"			5		6	"				
	6		1	"			6		7	"				
	7		7	1298			7		8	1409				
	8		8	"			8							
	9		9	"			9							
	10			1298			Dom.		10	1		1410		
	to								11	2		1411		
	14								12	3		"		
	15								13	4		"		
	16								14	5		"		
	17		148	10					1299	6		6	"	
	18			11					"	7		7	"	
	19			12					"	8		8	"	
	20			13					"	9		9	"	
	21			14					1300	10		10	1412	
	22	15		"		11			11	"				
	23	16		"		12			12	"				
	24	17		"		13			13	"				
	to	18		"		14			14	"				
	27	148		1300-1		Dom.		15	15	"				
	28		16					16	1413					
	29		17					17	"					
	30		18					18	"					
	31		19					19	"					
	32		20					20	"					
	33		21					21(1)	"					
	34		22					22(1)	"					
	35		23					23	1414					
	36		24					24	"					
	37		25					25	"					
	38		26					26	"					
	39		27					27	"					
	40		28					28	1415					
	41		29					29	"					
	42		30					30	"					
		31	31	"										
		32	32	"										
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	38		39	"		10(1-12)		10(1-12)	1497-9									
	39		40	"		(13)		11	1499									
	40		41	"		(14)		12	"									
	41		42	1417		11 (1)		13, 14	1500									
	42		43	"		(2)		16	"									
	43		44	"		(3)		17	"									
	44		45	1418		(4)		18	1501									
	45		46	"		(5)		19 (1)	"									
	46		47	"		(6)		(2)	"									
	47		48	"		(7)		20 (1)	"									
	48		49	"		(8)		(2)	1502									
	49		53	1419		(9)		(4)	"									
	50		50	1418		(10)		(5)	"									
	51		51	1419		(11)		(6)	1503									
	52		52	"		(12)		(7)	"									
	53		54	"		(13)			(9)		" {							
	54		55	"														
	55		56	1420														
	56		57	"		(14)		(13)	1504									
	57		58	"		(15)		(14)	"									
	58		59	"		(16)		(15)	"									
	59		71	1422		(17)		(16)	"									
	60		72	"		(18)		(17)	"									
	61		73	1423		(19)		(18)	"									
	62		74	"		(20)		(22)	1506									
	63		75	"		(21)		(23)	"									
	64		76	"		(22)		(24)	"									
	65		77	"		(23)		(25)	"									
	66		78	1424		(24)		(26)	1507									
	67		60	1420		(25)		(27)	"									
	68		61	"		(26)		(28)	"									
	69		62	"		(27)		} .....	} .....		Quebec. Dom. Sup. 39 V. c. 18, s. 20 (D).							
	70		63	1421		(28)												
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	72		65	"		(30)												
	73		66	"		(31)			} .....		} .....	Dom.						
	74		67	"														
	75		68	"														
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	77		80	"														
	78		81	"														
	79		} Sup. later Ev. Acts.															
	80		157	82									1425					
	81			83									"					
	82			84									"					
	83			85									"					
	84			69									1421					
	85			1									1409					
	86			70									1422					
	87			86									1425					
	88			87									1426					
	89			88									"					
66	1	165	Short title.		66	12	165	21	1494									
	2					13		(1)	1507									
	3					14		(2)	1508									
	4					15		(3)	"									
	5					16		(4)	1509									
	6					17		(5)	"									
	7(1-4)					18		(6)	"									
	(5-19)					19		(7)	"									
	8					20		23 (1)	"									
						21		(2)	"									
						22		(3)	"									
						23		(4)	1510									
	24	(5)	"															
	25	(6)	"															
	26	(7)	"															
	27	(8)	"															
	28	(9)	"															
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	30	24	(1)	1511														
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	32	(2)			1512													
	33	(3)			"													
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	38		(7)	"			100		(6)	"	
	39		(8)	"							
	40		(9)	1513			101				
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	43		(12)	"			103		(8)	"	
	44		(13)	"			104		(9)	"	
	45		(14)	"			105				Dom.
	46		{ 26 (15)	"			106	165	33 (10)	1522	
			{ 36 (4)	1524			107		(11)	"	
	47		26 (16)	1514			108		29 (5)	1518	
	48		27 (1)	"			109		36 (1)	1524	Part Dom.
	49		(2)	1515			110		(2)	"	
	50		(3)	"			111		(3)	"	
	51		(4)	"			112		30 (2)	1519	
	52		(5)	"			113		10 (13)	1499	
	53		(6)	"			114		(14)	"	
	54		(7)	"			115		36 (6)	1525	
	55		(8)	"			116		(7)	"	
	56		(9)	"			117		(5)	"	
	57		(10)	1516			118		23 (11)	1511	
	58		(11)	"			119		33 (12)	1523	
	59		(12)	"			120		(13)	"	
	60		(13)	"							Dom. See 32-3 V.c.19, s. 10 (D) Quebec.
	61		(14)	"			121				
	62		26 (20)	1514							
	63		28 (1)	1517			122				
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	67		(5)	"			126		(10)	"	
	68		26 (17)	1514			127		37	1526	
	69		(18)	"			128		9 (17)	1496	
	70		(19)	"			129		(18)	1497	
	71		29 (1)	1517			130		(16)	1496	
	72		(2)	"			131		69	1533	
	73		(3)	1518					{ 9 (16)	1496	
	74		(4)	"			132		(18)	1497	
	75		31 (1)	1519					69	1533	
	76		(2)	"					9 (3)	1494	
	77		(3)	1520			133		99	1540	
	78		(4)	"			134			"	
	79		(5)	"			135		100	"	
	80		30 (1)	1519			136		83	1537	
	81		29 (6)	1518			137		84	1538	
	82		(7)	1519			138		85	"	
	83		34 (1)	1523			139		86	"	
	84						140		57	1530	
	85			1541	Dom.		141		58	"	
	86	165	34 (2)	1523			142		90	1539	
	87		(3)	"			143		91	"	
	88		(4)	1524			144		92	"	
					Sup. 38 V. 4, s. 5. Part Dom.		145		93	"	
	89						146		94	"	
							147		95	"	
	90	165	35	1524			148		96	1540	
	91		32 (1)	1520			149		97	"	
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	93		(3)	1521			151		23 (12)	1511	
	94		(4)	"			152			1541	
	95	3	( )	"			153			1542	Not Consol. Part Dom.
	96		(2)	"			154			"	
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	159			1543			8		8	"		
	160			"			9		9	1382		
	161	165	102	1543			10		10	"		
	162		80	1537			11		11	"		
	163		81	"			12		12	"		
	164		82	"			13		13	1383		
	165		44	1528			14		14	"		
	166		45	"			15		15	"		
	167		46	"			16		16	"		
	168		47	"			17		17	"		
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	174		64	1532			23		23	"		
	175		65	"			24		24	"		
	176		66	1533			25		25	"		
	177		67	"	26			26	"			
	178	165			{ Rep. 37 V. c. 36, s. 3.		27		27	"		
	179						28		28	1385		
	180		43	1527			29		29	"		
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	185		49	1528			34		34	"		
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	187		51	"			36		36	"		
	188	52	"	37			37	"				
	189	63	1532	38			38	"				
	190	60	1531	39			39	1387				
	191	68	1533	40			40	"				
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	193	103	1543	42			42	"				
	67	1 } to 7 }			{ Rep. 37 V. c. 35, s. 59 (O).		43		43	"		
		8	151	1			1338	44		44		1388
		9						45		45		"
		10 } to 13 }						46		46		1389
		14						47		47		"
		15	151	3			1338	48		48		"
16			4	1339		49		49	"			
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18						6	"	51		153	50	1389
19						7	"	52			51	"
20						8	1340	53			52	1390
21						54		53		"		
22						55		54		"		
23						56		55		"		
						57		56		"		
						58		57		1391		
						59		58		"		
				60		59	"					
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	3		3	"	63		62	"				
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	90					146
	91	{	.....	.....	{ Rep. 40 V. c. 7, Sch. B.	
	92					146
	93		74	“	{ Sup. by the repeal of ss 91 & 92, by 40 V. c. 7, Sch. B.	
	94	{	.....	.....		
	95					
	96					
	97					
	98	{	.....	.....		
	99					
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104	.....	.....	.....	{ Dom. See 31 V. c. 71 (D), s. 4.		
105	51	29	708			
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108	146	25	1280	Effete.		
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78	1	128	2	1176		
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	6		1	“		
79	1	{ 50	53	620	Quebec. Prt Quebec	
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	3					
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	to					
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	12					
13	.....	.....	.....	782	Quebec. Dom.	
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	4	62	28	783		
	5					
	6		30	784		
	7	62	52	789		
	8					
82	1	177	1	1809		
	2		2	“		
	3		3	1810		
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	16				
	17			1813-14	
	18				
	19				
	20				
	21	177	14	1813	
84	1				Effete.
	2	176	2	1804	
	3		3	"	
	4		4	"	
	5		5	1805	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	1806	
	11		11	"	
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	14	116	8	1117	
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	16	176	13	1806	
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85	1			1748	{ Sup. 36 V.
	2				
	3			1748	
86	4				{ Sup. do s.
	1	184	2	1946	
	2		3	"	
87	3		4	"	{ Sup. 36 V.
	4		5	"	
	1	178	2	1816	
	2		3	"	
88	3		1	1817	{ Sup. 36 V.
	4		4	"	
	5		5	"	
	6		6	"	
	1	196	1 (1)	1989	
	2		2	1990	
89	3		1 (2)	"	{ Sup. 36 V.
	4		3	"	
	5		4	"	
	6		5	"	
	7		6	1991	
	8				
90	9	196	7	1991	Quebec.
99*	87	85	3	900	Dom.
	97				

\* The remainder of this Act is repealed by 32-3 V. c. 36 (D).

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100	1	71	4	845		11			2203		"
	2		5	"		12					2203
	3		7, 8	"		13					2203
	4		9	846		14	218	4	2201		
	5		10	"		15		6	2202		
	6		12	"		16		5	2201		
	7		13	"		17					
	8		14	847							
	9		15	"							
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	11		17	"							
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	14			{ Dom. See 31 V. c. 71, s. 4 (D).							
	15	71	20	848							
	16		22	"							
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	18										
	19	71	21	848							
	20		11	846							
	21		11	"							
104	1	83	1	884							
	2		2	"							
	3		3	885							
	4		4	"							
	5		5	"							
	6		6	"							
	7		7	886							
	8		13	887							
	9		14	"							
	10		15	"							
	11		11	886							
	12		12	"							
	13			887							
	14	83	8	886							
	15		9	886							
	16		10	"							
	17		20	889							
	18		21	"							
	19			{ Su by la revindence Acts.							
	20	83	17	888							
	21		16	"							
	22		18	"							
	23		19	"							
	24		22	889							
	25		23	"							
107	1	218	1	2201							
	2		2	"							
	3		3	"							
	4			{ Sup. 31 V. c. 21, ss. 1-2.							
	5			Dom. Sup.							
	6			38 V. c. 43, s. 1 (D).							
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	8	218	7	2202							

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	(24)		(13)	20			24	39	37	408																																																												
	(25)		(37)	27			25					49	410																																																									
	(26)		(1)	16			26							51	"																																																							
	(27)		(39)	28			27									52	"																																																					
	(28)		(11)	19			28				38							408																																																				
	(29)		(2)	17			29	39	408																																																													
	(30)		(15)	20			30			40		"																																																										
	(31)		(28)	24			31						41	409																																																								
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	(33)		(16)	"			33				43						"																																																					
	(34)		(7)	18			34	44	"																																																													
	(35)		(6)	"			35			47		410																																																										
	(36)		(22)	22			36						48	"																																																								
	(37)		(23)	23			37								46	409																																																						
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	(41)		(21)	22			41						45	"																																																								
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	2		3 & 4	33			43				45						"																																																					
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4	6	34	45	45	"																																																																	
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7	9	"	47								45		"																																																									
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9	11	35	47	45	"																																																																	
10	12	"	47			45	"																																																															
11	13	"	47							45		"																																																										
12	14	"	47								45		"																																																									
9	1	92	1					937						11	1				{ Rep. 29-30 V. c. 40, s. 3.																																																			
	2		2	"	2			41							7	437																																																						
	10		1	39	2	401	{ Sup. 34 V. c. 8, s. 1.	5							7 (2)	4	436	{ Sup. 37 V. c. 7, s. 24.																																																				
			2							6		4								438																																																		
			3		4	402				{ Sup. 37 V. c. 7, s. 25.	8	12	"							13	"																																																	
			4		5	"													{ Rep. 37 V. c. 7, s. 96.			14	"																																															
			5		6	"																		{ Effete.	15	439																																												
			6		6	390												{ Rep. 39 V. c. 7, s. 1. Sched.									17	"																																										
			7		7	402																							{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																																							
			8		8	403																										{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																																				
			9		9	"																													{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																																	
			10		39	26																																406	{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																													
			11																																							{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																										
			12																																										{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																							
			13																																													{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																				
			14																																																{ Rep. 39 V. c. 7, s. 1. Sched.	17	"																	
			15		39	19																																405																{ Rep. 39 V. c. 7, s. 1. Sched.	17	"														
			16																																																						{ Rep. 39 V. c. 7, s. 1. Sched.	17	"											
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			19		39	18																																405																												{ Rep. 39 V. c. 7, s. 1. Sched.	17	"		
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21		39	33		407	{ Rep. 39 V. c. 7, s. 1. Sched.			17					"																																																								
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	54		51	"		13		16	486		
	55		52	"		14		17	"		
	56		54	475		15		18	"		
	57		55	476		16		19	"		
	58		56	"		17		20	487		
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	68					27		28	"		
	69	46	69	479		28		29	"		
	70		70	"		29		30	"		
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	72		72	"				34	489		
	73		11	463		31					{ Bonds con- tinued under this Act.
	74					32	47	47	491		
	75					33		35	489		
	76					34		36	"		
	77	46	76	481		35		69	496		
	78		77	"		36		92	500		
	79		78	"		37		38	489		
	80					38		39	490		
	81					39		40	"		
	82					40					
	83					41	47	41	490		
	84	46	75	480		42		42	"		
	85					43		37	489		
	86	46	2	461		44		43	490		
	87					45		43 (2)	"		
	17	1	44	2		457	46		235		530
2			3	"	47		236	"			
3					48		44	490			
4		44	5	458	49			491			
5		{ 44	6	"	50	47	47, 48	492			
6		{ 48	56	549	51		49	"			
7		44	10	459	52		50	"			
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9				459	54		52	"			
10		44	11	"	55		53	493			
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					58		57	494			
19	1	47	{ 2	483	59		58	"			
	2		{ 237	530	60		59	"			
	3		3	483	61		60	"			
	4		4	"	62		61	"			
	5		6	"	63		237	530			
	6		7	484	64		238	"			
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	84		81	408			143		166	"	
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	87		86	"			146				Rep. 24 V. c. 41, s. 2.
	88		87	"							
	89		88	500			147	47	220	527	
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	95						154		173	"	
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	97	47	95	501			158		164	514	
	98		96	"							{ Judgments in former Courts of Requests.
	99		97	"			159				
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	105						165		182	518	
	106	47	106	503			166		183	"	
	107		107	"			167		184	519	
	108		108	504			168		185	"	
	109		147	511			169		186	"	
	110		148	512			170		187	"	
	111		149	"			171		188	"	
	112		150	"			172			519	Dom.
	113		151	"			173	47	189	"	
	114		154	"			174		209	524	
	115	47	216	526			175		210	"	
	116	50	344	683			176		211	525	
	117	47	233	530			177		212	"	
	118		152	512			178		213	"	
	119		153	"			179		214	"	
	120		109	504			180		215	"	
	121		110	"			181			526	Dom.
	122		111	"			182	47	216	"	
	123		112	"			183		46	491	
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	194		232	"		7		10	"
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	207		198	"				25	613
	208		199	522		19	50	335	681
	209		200	"		20		26	614
	210		201	"		21		27	"
	211		202	"		22		28	"
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	213		204	523		24		29	"
	214		205	"		25		30	"
	215		206	"		26		31	615
	216		207	"		27		32	"
	217		208	524		28		33	"
	218					29		34	"
	219					30		35	"
	220					31		36	"
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						39		44	"
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						45		50	"
						46		52	620
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						48		54	"
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						50		56	621
						51		60	"
						52		61	622
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	69		80	627	
	70		81	"	
	71		82	"	
	72		83	"	
	73		84	"	
	74		85	628	
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	78		89	"	
	79		90	629	
	80		91	"	
	81		93	"	
	82		94	"	
	83		95	"	
	84		59	621	
	85		96	629	
	86		97	630	
	87		92	629	
	88		98	630	
	89		154	640	
	90		99	630	
	91	{	59	621	
			100	630	
92	.....	.....	.....	.....	{ Rep. 36 V. c. 9, s. 5.
93	50	102	630	.....	
94		103	"	.....	
95		104	"	.....	
96		105	631	.....	
97		106	"	.....	
98		107	"	.....	
99		108	"	.....	
100		109	"	.....	
101		110	632	.....	
102		111	632	.....	
103		112	"	.....	
104		113	"	.....	
105		114	633	.....	
106		115	"	.....	
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	141		238	661	
	142		239	"	
	143		240	"	
	144		241	"	
	145		242	"	
	146		149	640	
	147		150	"	
	148		151	"	
	149		152	591	
	150		181	647	
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	152		183	"	
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	165		209	654	
	166		210	"	
	167		214	655	
	168		215	"	
	169		216	656	
	170		217	"	
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	172		219	657	
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	181	50	223				958	239	298	673		
	182			240				299	674			
	183	50	174	645			241	265	667			
	184		175	646			242	300	674			
	185		176	"			{	284	670			
	186		177	"				301	674			
	187		178	647			243	302	"			
	188		179	"			244	303	675			
	189		169	644			245	.....	.....	{		Rep. 24 V. c. 41, s. 3.
	190	{	.....	.....			246	66	7			
	191		.....	.....			{	247	8	802		
	192	50	.....	Rep. 40 V. c. 7, Sch. B.				248	9	"		
	193		165				643	249	11	"		
	194		166	644			250	12	"			
	195		167	"			251	13	"			
	196		168	"			252	.....	.....	{		Rep. 31 V. c. 25, s. 1.
	197		170	645			253	66	19			
	198		171	"			254	.....	.....	{		Rep. 23 V. c. 25, s. 3.
	199		172	"			255	.....	.....			
	200		173	"			256	.....	.....	{		Rep. 40 V. c. 7, Sch. B.
	201		244	662			257	66	35			
	202		245	"			258		36	"		
	203		247	663			259		37	808		
	204	{	.....	.....			260		27	805		
	205		.....	.....			{	261	28	"		
	206		.....	.....				262	29	806		
	207		.....	.....			263	30	"			
	208	50	259	665			264	31	"			
	209		261	666			265	32	"			
	210	62	24	782			266	33	"			
	211		26	"			267	41	809			
	212		50	789			268	42	"			
	213		51	"			269	43	810			
	214		27	783			270	44	"			
	215		25	782			271	.....	.....	{		Rep. 31 V. c. 24, s. 4.
	216	{	.....	.....			272	66	53			
	217		.....	.....			{	273	54	812		
	218		.....	.....				274	55	"		
	219	50	271	668			275	57	"			
	220		272	"			276	58	813			
	221		273	"			277	50	335	681		
	222		270	668			278	66	62	813		
	223		274	669			279		63	814		
	224		275	"			280		66	"		
	225		276	"			281		67	"		
	226		243	662			282		68	"		
	227		246	"			283		69	815		
	228		279	669			284		70	"		
	229		280	670			285	.....	.....	{		Sup. 27-28 V. c, 28, s. 36.
	230		277	669			286	66	71			
	231		288	671			287	50	304	675		
	232		291	672			288		306	676		
	233	{	284	670			289		307	"		
	234		292	672					308	"		
	235		294	"								
			295	673								

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	292		311	"			347				Forms.
	293		312	"							
	294		314	678		23	1	52	4	725	
	295		315	"			2		5	726	
	296		316	"			3		6	"	
	297		317	679			4		7	"	
	298		320	"			5		8	"	
	299		321	"			6		9	"	
	300	66	56	812			7		10	727	
	301	50	322	679			8		16	729	
	302		323	680			9				
	303		324	"			10				Sup. 36 V. c. 8, s. 8.
	304		325	"			11				
	305		326	"			12		30	731	
	306		327	"			13		31	"	
	307		328	"							
	308		329	681		24	1	67	1	817	
	309		330	"			2		2	"	
	310		331	"			3		3	"	
	311		332	"			4		4	"	
	312		333	"			5		5	"	
	313		352	686			6		6	818	
	314		334	681							Effete. Persons in custody on mesmo pro- cess on 1st of Sept., 1858.
	315		335	"							
	316		337	682			7				
	317		338	"							
	318		339	"							
	319		340	"							
	320		341	"			8	67	8	819	
	321		342	683			9	40	45	422	
	322		343	"			10		46	"	
	323		344	"			11	67	9	819	
	324				{ Rep. 31 V. c. 24, s. 1		12		7	818	
	325	50	346	684			13		10	819	
	326				{ Rep. 23 V. c. 42, s. 1.		14		11	820	
	327						15	{ 49 67	20 1 12	600 820	
	328				{ Rep. 31 V. c. 24, s. 2.		16		14	820	
	329	50	350	685							Effete. Persons in custody on 4th May, 1859, for non- payment of posts, &c.
	330		351	686			17				
	331	50	353	686			18				
	332	49	45	605							
	333		45	"							
	334		45	"							
	335				{ Rep. 36 V. c. 8, s. 51; 40 V. c. 7.		19	66	72	815	
	336	49	45	605				{ 49 66 67	20 (2) 72 (2) 13	600 816 820	
	337		50	606	{ Part Sup. 36 V. c. 8, s. 51; Rep. 40 V. c. 7, Sch. B.		21	66	73	816	
	338		45	605			22	49	45	605	
	339		49	606			23	49	47	606	
	340						24	67	15	820	
	341	43	29	454					{ 16 20	" 822	
	342	50	354	686			25		17	821	
	343		293	672			26		19	"	
	344		2 (1)	609			27		18	"	
							28		21	822	
							29				

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	30	.....	.....	.....		8		9	833
						9		10	"
	31	67	22	822		10		11	"
	32		23	"		11		12	"
	33		24	"		12		13	839
	34		25	823		13	67	31	824
	35	{ 50	305	675		14	.....	.....	.....
	36	{ 67	26	823		15	{ 49	45	605
	37	67	27	"		16	{ 69	15	839
	38		28	"		17	118	16	"
	39		30	824		18		1	1124
	40		31	"		19		2	"
			32	"		20	.....	.....	1125
	41	{ 50	{ 304 305 }	675		21	.....	.....	"
		49	{ 17 18 }	598 599					Dom.
25	1	68	1	825	27	1	51	2	702
	2		2	"		2		3	"
	3	.....	.....	.....		3		4	703
	4	68	3	826		4		5	"
	5		4	"		5	.....	.....	{ Rep. 36 V.'c. s, s. 62.
	6		5	"		6	51	7	703
	7		6	"		7		8	"
	8		7	"		8		9	704
	9		8	827		9		10	"
	10		9	"		10		11	"
	11		10	"		11		12	"
	12		11	828		12		13	"
	13		12	"		13		14	705
	14		13	"		14		15	"
	15		14	"		15		16	"
	16		15	829		16		17	706
	17		16	"		17		18	707
	18		17	"		18		19	"
	19		18	830		19		20	"
	20		19	"		20		21	706
	21		20	"		21		22	"
	22		21	831		22		23	709
	23		22	"		23		24	706
	24		23	"		24		25	709
	25		24	"		25		26	"
	26		25	832		26		27	"
	27		26	"		27		28	"
	28		27	"		28		29	713
	29		28	"		29		30	714
	30		29	833		30		31	710
	31		30	"		31		32	"
	32		31	"		32		33	"
						33		34	"
						34		35	"
26	1	69	2	835		35		36	"
	2		3	836		36		37	711
	3		4	"		37		38	"
	4		5	"		38		39	"
	5		6	837		39		40	"
	6		7	"		40		41	712
						41		42	"
								43	"
								44	711
								45	"
								46	"
								47	"
								48	712
								49	"

Effete.  
Persons  
bailed to the  
limits before  
4th May,  
1859.

Dom. Sec 31  
V. c. 71, s. 4  
(D) &c.

Dom.  
Short title.

Rep. 36 V.'c.  
s, s. 62.



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	43		51	"			12		21	"	
	44		55	713			13		23	737	
	45		52	712			14		22	"	
	46		53	713			15				
	47		54	"							
	48		37	709			16				
	49		38	710							
	50		58	714			17	53	24	737	
	51		59	"			18		25	"	
	52		60	"			19		26	"	
	53		61	715			20		18	736	
	54		62	"			21	49	45	605	
	55		63	"			22				
	56		64	716		30					Forms.
	57		65	"			1	54	2	741	
	58		66	"			2		3	"	
	59		67	717			3		5	742	
	60		70	"			4		6	"	
	61		68	"			5		7	"	
	62		69	"			6		8	"	
	63						7		9	"	
	64						8				
	65										
29	66					31					
	67						1	48	2	533	
	68						2	40	99	433	
	69						3	50	254, 263	665-6	
	70						4	48	3	533	
	71						5		4	534	
	72						6		5	"	
	73						7		6	"	
	74	51	71	718			8		7	535-6	
	75		72	"			9		8	537	
	76		73	719			10		9	"	
	77		74	"			11	48	10	538	
	78		75	"			12		11	"	
	79						13		12	"	
	80	108	10	1039			14		13	"	
	81						15		14	"	
	82						16		15	"	
	83						17		16	"	
	84						18		17	539	
	85						19		18	"	
	86						20		19	"	
	87						21		20	"	
	88						22		21	540	
	89						23				
	90						24	48	23	540	
	91						25		24	541	
	92										
	93										
	94										
	95										
	96										
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	29		28	"		89		93	"					
	30		29	"		90		94	"					
	31		30	"		91		95	"					
	32		31	543		92		97	560					
	33		32	"		93		98	"					
	34		33	"		94		99	561					
	35		34	"		95		100	"					
	36		35	"		96		101	"					
	37		36	"		97		102	"					
	38		37	544		98		105	562					
	39		38	"		99								
	40		39	"		100								
	41		40	545		101								
	42		41	"										
	43		42	"										
	44		43	"										
	45							Rep. 37 V. c.	102		48	106	563	Rep. 32-3 V. c. 36 (D), Sch. 7, Sch. B.
	46							7, s. 96, Sch.	103		107	"		
	47							Rep. 26 V. c.	104		103	562		
	48							44, s. 5.	105		104	"		
	49							Part Rep. 38	106					
	50		48	48		547		V. c. 7, s. 96, Sch.	107					Rep. 32 V. c. 6, s. 10.
	51							Part Rep. do	108		108	563		
	52	"						109	109		"			
	53	49						"	110		110	"		
	54	50						"	111		111	564		
	55	51						"	112		112	"		
	56	55						549	113		113	"		
	57	56						"	114		114	566		
	58	57						"	115		115	"		
	59	62						550	116		117	"		
	60	65						551	117		118	567		
	61	66	"	118		119		"						
	62	67	"	119		120		"						
	63	68	552	120		121		"						
	64	69	"	121		122		569						
	65	70	553	122		123		"						
	66	71	"	123		124		"						
	67	72	"	124										
	68	73	"	125		48		127	570		Rep. 29-30 V. c. 46, s. 3.			
	69	74	"	126		128		"						
	70	75	"	127		129		"						
	71	76	554	128		130		571						
	72	77	"	129		136		572						
	73	78	555	130		134		571	Part Rep. 32-3 V. c. 29, s. 39 (D).					
	74	79	"	131		135		572						
	75	80	"	132										
	76	81	"	137										
	77	82	556	138		48		132			571			
	78	83	"	139		133		"	Rep. 32 V. c. 6, s. 19.					
	79	84	"	140										
	80	85	"	141										
	81	86	"	142		48		138			572			
	82	87	557	143		139		573						
	83	88	"	144		140		"	Part Dom. Rep. 38 V. c. 14, s. 1.					
	84	89	558	145		141		"						
	85	90	"	146		142		"						

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	148		145	574		2		{ 37	1220
	149		145	"		3		2	1214
	150		146	"		3		3	1215
	151		147	"		4			
	152		148	"		4			
	153		149	"		5	138	34	1220
	154		150	575		6			
	155		151	"		6			
	156			{ Part Rep. 37					
	157			V. c. 7, s. 96.					
	158	48	153	575					
	159		154	"		Sch.	{ 25	28	273
	160		155	576			{ 38	55	400
	161		156	"			{ 39	53	411
	162		157	"			{ 40	105	435
	163		158	577			{ 46	68	479
	164		159	"		8			
	165		160	"		9			
	166		161	578		10			
	167			"		11			
	168	48	162	"					
	169		163	"		34	1 (1)	139	1 (1) 1223
	170		164	"			(2)		
	171		165	"			(3)	139	1 (3) 1224
	172		166	579			(4)		(5) "
	173		167	"		35	1	140	1 1226
	174		168	"		2 (1)		2 (1)	"
	175		169	"			(2)		
	176		170	581			(3)		
	177		171	"			(4)	140	2 (4) 1227
	178		172	"			(5)		(5) "
32	179	62		{ Sup.	34	1			
	180		173	See Rev. Stat.		2			
	181		174	c. 1, s. 8 (15).		3	1)		
	182					(2)			
				Short title.		(3)	140	5 (1)	1229
				Forms.		4			
	1		12	778		5			
	2		14	779		6	140	5 (2)	1230
	3					7			
	4					8	138	39	1230
	5					9	140	8	1231
	6	62	29	783		10	138	40	1232
	7		29 (2)	"		11	140	{ 9	1232
	8			784		12		{ 10	"
	9		41	787		13			
	10		42	"		14	140	4 (3)	1228
	11		43	"		15		(4)	"
	12		44	788		16		(5)	1229
	13		16	779				24	1236
	14		17	"					
	15		18	"					
	16		19	"					
	17		20	780					
	18			{ Rep. 33 V. c.					
	19	62		13; 36 V. c.					
	20		21	10 to Ont.					
	21		22	"					
33	147	48	143	573	33	1	138	{ 1	1214
	148		145	574		2		{ 37	1220
	149		145	"		3		2	1214
	150		146	"		3		3	1215
	151		147	"		4			
	152		148	"		4			
	153		149	"		5	138	34	1220
	154		150	575		6			
	155		151	"		6			
	156			{ Part Rep. 37					
	157			V. c. 7, s. 96.					
	158	48	153	575					
	159		154	"		Sch.	{ 25	28	273
	160		155	576			{ 38	55	400
	161		156	"			{ 39	53	411
	162		157	"			{ 40	105	435
	163		158	577			{ 46	68	479
	164		159	"		8			
	165		160	"		9			
	166		161	578		10			
	167			"		11			
	168	48	162	"					
	169		163	"		34	1 (1)	139	1 (1) 1223
	170		164	"			(2)		
	171		165	"			(3)	139	1 (3) 1224
	172		166	579			(4)		(5) "
	173		167	"		35	1	140	1 1226
	174		168	"		2 (1)		2 (1)	"
	175		169	"			(2)		
	176		170	581			(3)		
	177		171	"			(4)	140	2 (4) 1227
	178		172	"			(5)		(5) "
34	179	62		{ Sup.	34	1			
	180		173	See Rev. Stat.		2			
	181		174	c. 1, s. 8 (15).		3	1)		
	182					(2)			
				Short title.		(3)	140	5 (1)	1229
				Forms.		4			
	1		12	778		5			
	2		14	779		6	140	5 (2)	1230
	3					7			
	4					8	138	39	1230
	5	62	29	783		9	140	8	1231
	6		29 (2)	"		10	138	40	1232
	7			784		11	140	{ 9	1232
	8		41	787		12		{ 10	"
	9		42	"		13			
	10		43	"		14	140	4 (3)	1228
	11		44	788		15		(4)	"
	12		16	779		16		(5)	1229
	13		17	"				24	1236
	14		18	"					
	15		19	"					
	16		20	780					
	17			{ Rep. 33 V. c.					
	18	62		13; 36 V. c.					
	19		21	10 to Ont.					
	20		22	"					
	21		23	"					

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	18		27	1237		4		7	"
	19		39	"					
	20		11	1233	39	1	63	1	791
	21		28	1237		2		2	"
	22		29	"		3	80	1, 2	879
	23	}	Provisions affecting certain persons only			4		3	"
	24					5		4	"
						6		6	"
	25					7	63	6	791
	26 1)		50	1241		8	80	5	879
		140	12 (1)	1233		9	63	9	792
	(2)	Rep. 35 V. c. 6, s. 8.		Rep. 35 V. c. 6, s. 8		10		9	"
	(3)					11		3	791
	(4)	140	12 (2)	1233				4	"
	(5)		(3)	"					
	(5)		(4)	"	42	1			
	27		32	1238		to			
	28					13			Dom.
	29	140	34	1238		14	50	144	639
	30		35	"		15			
	31		36	1239		to			Dom
	32		37	"		22			
	33		38	"		23	50	134	637
	34		39	"		24		135	"
	35		40	"		25		136	"
	36		41	"		26		137	"
	37		42	1240		27			Sup. later Evid. Acts.
	38		43	"					
	39		44	"		28	50	138	
	40		45	"		29		139	
	41		46	"		30		140	
	42		47	"		31		141	"
	43		48	1241		32		142	"
	44		49	"		33		143	"
	45	}	Rep. 29-30 V. c. 49, s. 1.			34	49	45	605
	46					35	50	350	685
	47					36			Refers to Forms.
	48								
	49								
	50	140	13	1233	43	1	50	266	667
	51		14	1234		2		267	"
	52		31	1238		3		268	"
	53	}	Rep. 29-30 V. c. 49, s. 1.			4			Dom. Relating to st
	54								
	55								
	56	140	15	1234					Operation of the Act.
	57				44	1			
	58					2	117	1	1121
	59	140	18	1235		3		2	1122
	60		22	1235		4		3	"
			23	1236		5		4	"
						6		5	"
						7		6	1123
						8		7	"
37	1	78	8	872		9		8	"
	2		3	871		10		9	"
						11		11	"



CON. STAT. U. C.					CON. STAT. U. C.				
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45	1	119	1	1126	48	16	115	2	1112
	2		2	"		17	113	15	1106
	3		4	1127		18		16	1107
	4		5	"					
	5		6	"	49	1	152	1	1341
	6		23	1132		2			
	7		7	1128					
	8		8	"					
	9		9	"		3	152	2	1342
	10		10	1129		4		7	"
	11		12	"		5			
	12		24	1132					
	13	66	27	805		6	152	8	1343
	14	119	22	1131		7		9	"
	15		25	1132		8		10	"
						9		11	"
	16					10		12	"
						11		13	"
46	1					12		14	"
	2	112	1	1100		13		4	1342
	2		2	"		14		5	"
	3		3	1101		15		6	"
	4		4	"		16		15	1344
	5		5	"		17		16	"
	6		6	"		18		17	"
	7		7	"		19		18	"
	8		8	"		20		19	1345
	19		10	1102		21		20	"
	11		9	"		22		21	"
	12		11	"		23		22	"
						24		23	"
	13					25		24	"
						26		25	1346
	14	112	12	1102		27		26	"
	15		13	"		28		27	"
						29			
47	1	115	3	1112					
	2		4	1113		30	152	28	1346
	3		5	"		31		29	1347
	4		6	"		32			
	5		7	"		33			
	6		8	"		34			
						35	152	33	1347
	7					36		33	1349
						37		34	1348
	8	115	9	1114		38		35	"
			10	"		39		36, 40	"
						40		39	"
48	1	113	1	1103		41		38	"
	2		2	"		42		37	"
	3		3	"		43		41	"
	4		4	1104		44		42	1349
	5		5	"		45		44	"
	6		6	"		46		45	"
	7		7	"		47		46	"
	8		8	1105		48		47	"
	9		9	"		49		48	"
	10		10	"		50		49	"
	11		11	1106		51		50	1350
	12		12	"		52		51	"
	13		13	"		53		52	"
	14		14	"		54		53	"
	15	115	1	1112					

Registra-  
tions under  
former Act.  
Rep. 33 V. c.  
35, s. 11 (D).

Sup. 38 V. c.  
4, s. 5.

Sup. 38 V. c.  
4, s. 5.

Pending pro-  
ceedings.

Rep. 29 V. c.  
36, s. 1.

Rep. 39 V. c.  
18, s. 99 (D).

Rep. 29 V. c.  
36, s. 4.



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51	8	155	8	1404		56	3	183	3	1944	
	9		9	"			4		4	"	
	10		13	1405			5		5	"	
	11		14	1406			6		5	"	
	12		10	1405			7		6	"	
	13		11	"			8		7	"	
	14		12	"			9		8	"	
	15						10		9	"	
							11		10	"	
	16	155	15	1406			12		11	1945	
53					Sup. by later Evidence Acts.		13		12	"	
							14		13	"	
	1	164	2	1471			15		14	"	
	2		3	1472							
	3		24	1475			16				
	4		25	"		Sup. 38 V. c. 4, s. 5.					
	5		12	1473							
	6		13	"							
	7		14	"							
	8		15	"							
	9		16	"							
	10		17	"							
	11		4	1472							
	12		5	"							
	13		6	"							
	14		7	"							
	15		8	"							
	16		9	"							
	17		10	1473							
	18		11	"							
19		18	1474								
20											
21	164	20	1474	Rep. 39 V. c. 32, s. 11.							
22				Rep. 39 V. c. 32, s. 4.							
23	164	22	1474		60	1	202	1	2011		
24		23	1475			2		2	"		
25		26	"			3		3	"		
26		27	"			4		4	"		
27		28	1476			5		5	2012		
28		29	"								
29		30	"		62	1	210	1	2153		
30				Sup. by later Evidence Acts.		2		2	"		
31	164	31	1476			3		4	215		
32		32	"			4					
33		33	"			5					
34		34	"			6	210	5	2154		
35		1	1471			7					
36		38	1478			8	210	8	2155		
37		39	1479			9		9	"		
38		41	"			10					
39		42	"			11	210	37	2161		
40		43	1480			12		44	2162		
41		48	1481			13		45	2163		
42				Rep. 39 V. c. 32, s. 10.		14		46	"		
						15		47	"		
						16		42	2162		
						17		34	2160		
						18		35	"		
						19		36	"		
						20		48	2163		
						21		51	2164		
						22		52	"		
						23		54	"		
						24		56	"		
						25					
						26					
						27					
						28					
						29					
						30	210	43	2162		
						31		55	2164		
						32					
						33	210	57	2164		
						34		58	2165		
						35		59	"		
						36		60	"		
						37		49	2163		
56	1	183	1	1943							
	2		2	"							

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62	38	210	50	2164	65	14	206	15	2140
	39	209	1	2149		15		16	"
	40		3	2150		16		17	"
	41		4	"		17		18	"
	42		2	2149		18 } to 36 }			
	43		6	2150	66				
	44		7	"					
	45		8	"					
	46		9	2151		1	214	1	2184
	47		11	"					
	48		18	2152					
	49		14	2151		67	1	170	1
	50		15	2152				2	"
	51		17	"				3	1575
	52		16	"				4	"
	53		19	"				5	"
	54							6	"
	55							7	"
	56							8	1576
	57							9	"
	58							10	"
	59							11	"
	60							12	"
	61							13	"
	62							14	"
	63							15	"
	64							16	1577
	65							17	"
	66							18	"
	67							19	"
	68							20	1578
	69							21	"
	70							22	"
	71							23	"
	72							24	"
	73							25	"
	74							26	"
	75							27	"
	76							28	"
	77							29	1579
	78								"
	79								"
	80								"
	81								"
	82								"
	83								"
	84								"
	85								"
65	1	206	2	2138	68	1	171	1 (1)	1580
	2		3	"		2		(2)	"
	3		4	"					
	4		5	"					
	5		6	"					
	6		7	2139					
	7		8	"					
	8		9	"					
	9		10	"					
	10		11	"					
	11		12	"	72	1	124	1	1156
	12		13	"		2		2	1157
	13		14	2140		3		15	1160
						4		16	"
65	1	206	2	2138					
	2		3	"					
	3		4	"					
	4		5	"					
	5		6	"					
	6		7	2139					
	7		8	"					
	8		9	"					
	9		10	"					
	10		11	"					
	11		12	"					
	12		13	"					
	13		14	2140					

Rep. 26 V. c.  
5, s. 1.

Dom

Part Sup. 32  
V. c. 30 ; 39  
V. c. 2.Sup. 32 V. c.  
30.  
Sup. 32 V. c.  
30. See s. 12.

Effete.

Sup. 32 V. c.  
30. See s. 12.



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72	12	.....	.....	.....	75	9	.....	.....	.....
	13	124	18	1160		10	.....	.....	.....
	14		19	"		11	133	11	1190
						12		12	1190-1
						13		13	1191
73	15	.....	.....	.....	76	1	.....	.....	.....
	1	125	3, 5	1164		2	.....	.....	.....
	2		2	1163		3	.....	.....	.....
	3		6	1164		4	.....	.....	.....
	4	.....	.....	.....		5	.....	.....	.....
74	5	.....	.....	.....	77	6	.....	.....	.....
	6	125	8	1165		7	.....	.....	.....
	7		9	"		8	.....	.....	.....
	8		10	"		9	.....	.....	.....
	9		11	"		10	.....	.....	.....
	10		12	1166		11	.....	.....	.....
	11		13	"		12	.....	.....	.....
	12		14	"		13	.....	.....	.....
	13	.....	.....	.....		14	.....	.....	.....
	14	125	15	1166		15	.....	.....	.....
	15		16	"		16	.....	.....	.....
	16	106	6	1012		17	.....	.....	.....
	17	125	25	1168		18	.....	.....	.....
	18	.....	.....	.....		19	.....	.....	.....
	19	125	26	1168		20	135	1	1198
75	20	.....	.....	.....	78	1	57	1	759
						2		2	760
						3		3	"
	1	132	1	1184		4	131	1	1183
	2		6	1186		5		2	"
	3		2	1185		6		3	"
	4		3	"		7		4	"
	5		4	"		8		5	"
	6		5	1186		1	107	8	1023
	7		7	"		2		9	"
	8	130	1	1181		3		10	1024
	9	130	2	1182		4		11	"
	10	132	11	1187		5		12	"
	11	130	3	1182		6		14	"
		132	12	1187		7	61	1	773
		130	4	1182		8		3	774
75	1	133	1	1188	80	9		6	"
	2		2	1189		10		7	775
	3		5	"		1	25	2	267
	4	.....	.....	.....		2		5	268
	5					3		6	"
	6	133	6	1189		4		8	"
	7		9	1190		5		9	"
	8	.....	.....	.....					

Sup. 32 V. c.  
30. See s. 22.

License fund  
to be for pub  
lic purposes  
in U. C. Sup.  
31 V. c. 3.

Unnecessary  
Conveyance  
of wife not to  
defeat hus-  
band's ten-  
ancy by cur-  
tesy.

Sup. 35 V. c.  
16, s. 2.

Sup. 35 V. c.  
16, s. 1.

Sup. 35 V. c.  
16, s. 8.

Date of  
operation.

Dom. See 40  
V. c. 35 (D).

Part Dom.  
Dom. See 40  
V. c. 35 (D).

Dom. See 40  
V. c. 35 (D).  
Part Dom  
Part Dom

Sup. 38 V. c.  
19, s. 1.

Do do s. 4.  
Do do s. 5.

Rep. 35 V. c.  
17, s. 1.

Sup. 38 V. c.  
19, s. 9.

Do do s. 10.  
Do do s. 11.  
Do do s. 12.  
Dom.  
Dom.

Sup. 38 V. c.  
19, s. 19.

Do do s. 20.  
Do do s. 21.  
Do do s. 22.  
Do do s. 23.  
Do do s. 27.  
Do do s. 24.  
Do do s. 27.  
Do do s. 26.

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80	6	25	7	268		82	4	105	5	1002		
	7		4	"			5		6	"		
	8		10	269			6		7	"		
	9		11	"			7		8	"		
	10		12	"			8		9	1003		
	11		13	"			9		10	"		
	12		14	"			10		11	"		
	13		15	270			11		106	3		1012
	14		16	"			12		4	"		
	15		17	"			13		5	"		
	16		18	271			14	105	2	1000		
	17		19	"			15	106	2	1011		
	18		20	"			16	105	4	1001		
	19		21	"			17	12	1003			
	20		22	"			18	13	"			
	21		23	"			19	14	"			
	22		24	272			20	15	1004			
	23		25	"			21	16	"			
	24		26	"			22	17	"			
	25						23	18	"			
	26		25	34			274	24	22	1005		
	27			27			273	25	23	1006		
	28			{ 28 29 30 }			273-4	26	24	"		
								27	25	"		
		28						26	"			
	29	31		274			29	27	"			
	30	32		"			30	28	1007			
	31	1 & 2		267			31	29	"			
	32	33		274			32	30	"			
	33						33	31	"			
	*81	27						{ Sup. 23 V. c. 2, s. 19.	34	32		"
			35						33	1008		
36			34		"							
37			35		"							
38			36		"							
39			37		"							
40			38		"							
41			39		1009							
42			40		"							
43			41		"							
44			42		"							
45			43		"							
46			44		"							
47			45		"							
48			46		1010							
49			47		"							
50			48		"							
51			19		1005							
52			20		"							
53			21		"							
82	1			{ Dom. Rep. 39 V. c. 18, s. 99 (D).  Unnecessary from change in language of the Act.	83	1	100	1	954	{ Unnecessary Sec 40 V. c. 6, s. 10.		
	2											
	3					100	2	955				
	4						3	"				
5			4	"								
6			5	"								
7			6	56								
8			7	"								
9	105	3	1001									
10		5-11	1002-3									

\* As regards Indian lands the whole of this Act is repealed by 39 V. c. 18, s. 99 (D).

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83	8	100	7	956	88	3			Rep. 27-8 V. c. 29, s. 1.
	9		8	"		4	108	5 (10)	
	10		9	"		5			Rep. 38 V. c. 16, ss. 15, 16.
	11		10	957		6	108	7	
	12		11	"		7		5 (7)	
	13		12	"		8		(8)	
	14		13	958		9		(6)	
	15		14	"		10		(5)	
	16		15	"		11		8	
	17		16	"		12		9	
	18		17	"		13		11	
	19		18	"		14		12	
	20		19	959		15		13	
	21		20	"		16		15	
	22		21	"		17		14	
	23		22	960		18		16	
	24		23	"		19		17	
	25		24	961		20		18	
	26		25	"		21			Rep. 38 V. c. 16, ss. 15 & 16.
	27		26	"		25			
	28		27	"		26			Suits pend- ing on 23rd May, 1853.
	29		28	962		27			
	30		29	"		28	108	26	Mortgages prior to 4th March, 1837.
	31		30	"		29		27	
	32		31	"		30			Rep. 38 V. c. 16, ss. 15, 16.
	33		32	963		31	108	29	
	34		33	"		32		30	
	35		34	"		33		31	
	36		35	"		34		32	
	37		36	"		35		33	
	38		37	"		36		34	
	39		38	964		37		35	
	40		39	"		38		36	
	41	127	3	1172		39		37	
	42		12	1174		40		38	
	43	100	29	962		41		39	
	44	127	4	1173		42		40	
84	1	126	1	1169		43		41	
	2		2	"		44		42	
	3		4	"		15			Rep. 38 V. c. 16, ss. 15, 16.
	4		5	"		16			
	5					17	108	45	1047
	to	11				18		6 (3)	
	11					19		2	1034
						50			Rendered un- necessary by change of language throughout the Act.
87	1	99	1	952	90	1	93	1	947
	2		2	"		2		2	948
	3		3	"					
	4		4	"					
88	5								





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	2		6	871				87	2	909	
	3		13	874		120	1	86	1	902	
	4		14	"			2		2	"	
	5		17	"			3		1	"	
	6		11	873							
	7	44	11	459		121	1				Rep. 32 V. c.
	8	78	12	874							6, s. 9 (2).
	9	78	10	873			2				Rep. 33 V. c.
	10	79	13	878							3, s. 4.
	11	78	16	874							Part Sup. 32
	12	78	2	871	Short title.		3	85	9	901	V. c. 6, s. 9
											(2).
117	1	88	1	912			4		12	"	Sup. do
	2		2	912			5				
	3		3	913		122	1	179	1	1818	
	4		4	"			2		2	"	
	5		5	"			3		3	"	
	6		9	914		123	1	65	1	796	
	7		10	"			2		2	797	
	8		11	915			3		3	"	
	9		12	"			4		4	"	
	10		13	"			5		5	"	
	11		14	"			6		6	"	
	12		15	916			7		7	"	
	13		16	"			8		8	798	
	14		17	"			9		10	"	
					Not to affect		10		11	"	
					C. S. C. c. 99,		11	65	9	"	
					ss. 120 and			136	16	1209	
					121, Rev.						
					Stat. c. 88,						
					ss. 7 and 8.	124	1	76	1, 2	866	
					Recorder's		2	76	3	867	
					Courts, Rep.			77	4	869	
					32 V. c. 6, s.		3	76	4	867	
					10.		4		5	"	
							5		7	868	
							6		8	"	
							7		16	219	
118	1	89	1	917		125	1	79	2	875	
	2		2	"			2		3	"	
	3	48	147	574			3		4	"	
119	1	84	1	890			4		5	876	
		85	1	899			5		11	877	
	2				Rep. 32 V. c.		6		12	878	
					11, s. 1.		7		6	876	
	3	84	1 (2) & 4	890-1			8		7	"	
		85	1	899			9		8	"	
	4		4	900			10		9	877	Part Dom.
	5		2	899			11		10	"	
	6	84	5	891							
	7	85	12	901		126	1	73	1	850	
	8	84	6	891			2		2	851	
	9		7	"			3		4	"	
	10	85	1	899			4		5	"	
	11	77	1	868			5		3	"	
	12		2	"			6		6	852	
	13		2	"			7		7	"	
	14		2	"							



23 VICT. 1860.						23 VICT. 1860.					
Chap.	Sec.	CONSOLIDATED.				Chap.	Sec.	CONSOLIDATED.			
		Chap.	Sec.	Page.				Chap.	Sec.	Page.	
2	13				{ Rep. 31 V. c. s. 3.	29	4	165	78	1536	
	14	23	13	252			5			1537	Dom.
	15		14	253			6			1542	Dom.
	16		15	"			7				Dom.
	17		16	"			8 }				{ Sup. 32-3 V. c. 31 (D).
	18		17	"			9	165	59	1531	
	19		21	255			10		20 (3)	1502	
	20		22	"			11		37	1526	
	21 (1)		23	"			12				Short title.
	(2)		24	"							
	(3)		40	259		32	1	157 {	2, 3, 4 et pas- sim.	1410	
	22		25	256							
	23		26	"							
	24		27	"							
	25		29	257		32	2				{ Co's. organ- ized in Tps., &c., legalized, Rep. 40 V. c. i. Sched. A (140-142). Error in French ver- sion cor- rected.
	26		41	260							
	27 (1)		35	258			3				
	(2)				{ Sup. 31 V. c. 20, s. 81.		4				
	28	23	42	260							
	29	5	14	35							
	30	23	45	260							
	31		38	259							
	32		39	"							
	33			259	Dom.	35	1	196	7	1991	
	34	23	46	260							
	35		47	261		39	1	5	1 (20)	22	
					{ Proceedings under re- pealed Acts.		2		1 (8)	18	
	36						3	{ 5	1 (20)	22	
							4	{ 8	15 (69)	62	
	37	23	28	257			5	{ 5	1 (32)	25	
	38		2	250							{ Sup. B. N. A. Act, 1867.
	39				{ Repeals C. S. C. c. 22. Repeals C. S. U. C. c. 17, . 19.	40	1	8	14 (51)	60	
8	1						2	{ 5	2	33	
	2	82	1	881			3	{ 8	12	53	
	3		2	882				5	1 (34, 44)	26, 31	
	4		1 & 3	"							{ Repeals C. S. U. C. c. 22, ss. 204, 205, 326, and 327, and C. S. U. C. c. 25 s. 3.
	5				{ Act to apply to Upper Canada only; Rep. 39 V. c. i. Sched. A (13).	42	1				
24	1						2	50	249	664	
	2	50	145	639			3				{ Rep. 36 V. c. 9, s. 4.
	3		147	"			4	49 {	31 (3) 35, 36	602 603	
	4		146	"							
25	1				Quebec.	43	1	43	20	452	
	2	47	170	516							{ Incorporates the Act with C. S. U. C. 

23 VICT. 1860.					24 VICT. 1861.				
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44	1	43	25	453	18	1	149	4	1311
45	1 (1)	53	6 (1)	733		2		5	1312
	(2)		(2)	"		3		2	1310
	(3)		(3)	"		4		3	1311
	2		14	735		5		6	1312
	3		7	734		6		7	"
	4		9	"		7		8	"
	5		11	"		8		9	"
	6		5 (1)	732		9		10	"
	7		5 (2)	"		10		11	1313
				See also Rev. Stat. c. 47, s. 56. Rep. 40 V. c. 7, Sched. A (92).		11		12	"
	8					12		13	"
						13	15, 17	1314	"
	9	49	45	605		14		16	"
	10			Application of the Act to U. C. only.		15		18	"
						16		19	1315
				Repeals C. S. U. C. c. 34, s. 1 (2), from 1st March, 1860.		17		20	"
						18		21	"
47	1			Repeals C. S. U. C. c. 35, s. 2 (2), from 1st March, 1860.		19		22	"
	2	139	1 (2)	1223		20		23	"
48	1			Repeals C. S. U. C. c. 35, s. 2 (2), from 1st March, 1860.		21		24	1316
	2		2 (2)	1227		22		25	"
54	1	152	100	1361		23		26	"
	2		101	1362		24		27	"
			102	"		25		28	"
			108	1365		26		29	1317
	3		108	"		27		30	"
	4		109	"		28			"
	5		56	1351		29	149	31	"
	6		57	"		30		32	"
	7		58	"		31		33	"
	8		59	"		32		34	1318
	9			Act to apply to U. C. only.		33		35	"
						34		36	"
						35		37	"
						36		38	"
						37		40	1319
						38		41	"
						39		39	1318
						40		43	1319
						41		42	"
						42			Short title.
					23	1	116	15	1119
						2		18	1120
						3			Dom. Appli- cation of cer- tain sections to all Banks. Effete.
					24	1	{ 191 223 191	3 6 5 6 7 8 9 10 11 12	1970 2258 1971 " " 1972 " 1973 "
17	1	165	13 (2), 14	1500		2			
	2		15	"		3			
	3		20 (3)	1502		4			
	4		70	1534		5			
	5		71	"		6			
	6		72	1535		7			
	7		37	1526		8			
	8		101	1541		9			



24 VICT. 1861.					24 VICT. 1861.				
Chap.	Sec.	CONSOLIDATED.			Chap.	Sec.	CONSOLIDATED.		
		Chap.	Sec.	Page.			Chap.	Sec.	Page.
24	10	191	13	1973	48	1	82	1	881
	11		14	1974	49	1	146	72	1292
27	2					2			
	1	66	6	801					
	3								
33	1	196	8	1991					
	2		9	"					
	3		10	"					
	4								
*41	1								
	2								
	3								
	4	66	73	816					
	5								
	6	99	1, 2, 3	952					
	7								
	9								
	10								
	11								
	12								

25 VICT. 1862.				
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		Chap.	Sec.	Page.
20	1	61	3	774
	2			

26 VICT. 1863.				
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		Chap.	Sec.	Page.
5	1			
	2	206	19	2140
	3		20	2141
	4		21	"
	5		22	"
	6 (1)		23 (1)	"
	(2)		(2)	2142
	7		24	"
	8		25	"
	9		26	"
	10		27	"
	11		28	2143
	12		29	"
	13		30	"
	14		31	"
	15		32	2144
	16		33	"
	17		34	"
	18		35	"
	19		36	"
	20		37	"
	21		38	"
	22		41	2145
	23		42	"

\* The whole of this Act is repealed by 29 V. c. 24, s. 2, saving, however, the repeals made by this Act.



## 27-8 VICT. 1864.

Chap.	Sec.	CONSOLIDATED.			
		Chap.	Sec.	Page.	
5	31	21	25	243	{ Dom. See 32-3 V. c. 19, s. 14 (D). Rep. 35 V. c. 20.
	32	.....	.....	.....	
	33	.....	.....	.....	
7	1	.....	.....	.....	{ Sup. 32 V. c. 29, s. 16, and 36 V. c. 6, s. 4
	2	{ 173 174	1, 2 276	1582 1666	
18	1	182	3	1924	
	2		4	1925	
	3		5	"	
	4		6	"	
	5 (1)		7 (1)	"	
	(2)		(2)	1926	
	(3)		(3)	"	
	(4)		(4)	"	
	(5)		(5)	"	
	(6)		(6)	"	
	(7)		(7)	1927	
	(8)		(8)	"	
	(9)		(9)	"	
	(10)		(10)	"	
	(11)		(11)	"	
	(12)				Quebec.
	(13)	182	7 (12)	1927	
	6		8	1928	
	7		9	"	
	8		10	"	
	9		11	"	
	10		12	"	
	11 (1)				Quebec.
	(2)	182	13 (1a)	1929	
	12 (1)		13 (1b)	"	
	(2)		(2)	"	
	(3)		(3)	1930	
	(4)		(4)	"	
	13		14	"	
	14 (1)		16 (1)	1931	
	(2)				Effete.
	(3)	182	16 (2)	1931	
	(4)		(3)	"	
	(5)		(4)	"	
	(6)		15	1930	
	15		17	1931	
	16		18	"	
	17		19	1932	
	18		20	"	
	19		21	"	
	20		22	"	
	21		23	"	
	22		24	"	
	23		25	"	
	24		26	1933	
	25		27	"	
	26		28	"	
	27	.....	.....	.....	{ Sup. by later Evid. Acts.

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Chap.	Sec.	CONSOLIDATED.			
		Chap.	Sec.	Page.	
18	28	182	29	1933	{ Dom. 1934 " "
	29	.....	.....	.....	
	30	182	30	"	
	31		31	"	
	32		32	"	
	33				Quebec.
	34	182	33	1935	
	35 (1)		34 (1)	"	
	(2)		(2)	"	
	(3)				Quebec.
	(4)	182	34 (3)	1935	
	36		35	1936	
	37		36	"	
	38		37	"	
	39 (1)	181	34	1908	
	(2)		86	1909	
	40 (1)		88	"	
	(2)				Quebec.
	41	181	89	1910	
	42		90	"	
	43		91	"	
	44				{ Sup. 37 V. c 32. Part of s. 45, Dom. Quebec.
	45				
	46				
	47 49				
	50	182	2	1924	
	51				Unnecessary.
	52				Short title.
	53				Effete.
22	1	143	4	1259	
	2		5	"	
25	1	49	17	598	
	{	50	{ 304 305	{ 675 " "	{ Operation of Act.
	2				
26	1	46	9	463	
27	1	47	63	495	
	2		63 (2)	"	
	3		238	530	
28	1				{ Repeals C. S. U. C. c. 38.
	2	16	1	212	
	3				{ Unnecessary. See 40 V. c. 6, s. 9.
	4	16	2	212	
	5		3	"	
	6		4	213	
	7		5	"	
	8		6	"	
	9		7	214	
	10		8	"	
	11		9	"	
	12		11	"	
	13		12	"	
	14		13	215	
	15		14	"	
	16		15	"	





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21	1	140	2(3)	1227	Effete.
	2				
	3	140	5	1230	
	4				
	5	140	5	1230	Rep. 32 V. c. 19, s. 1.
	6		5 (3)	"	
	7				Effete.
	8	140	4 (1)	122	
	9		4 (2)	"	
	10		20	123	

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## CONSOLIDATED.

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	12	158	14	1429	
	13		8	1428	
	14		15	1429	
	15		13	"	
	16		16	1430	Part Dom.
	17		17	"	
	18		18	"	Part Dom.
	19		19	1431	
	20		20	"	
25	1	110	2	1050	
	2		3	"	
	3		5	1051	
	4		6	"	
	5		7	"	
	6		8 (1)	1052	
	7		8 (2)	"	
	8		9	"	
	9		10	"	
	10		11	1053	
	11		13	"	
	12		14	"	
	13		15	"	
	14		16	"	
	15		17	1054	
	16		12	1053	
	17		26 (1)	1055	
	18		26 (2)	"	
	19		18 (1)	1054	
	20		18 (2)	"	
	21		19	"	
	22		20	"	
	23		21	"	
	24		22	"	
	25		23	"	
	26		24	"	
	27		25	1055	
	28		27	"	
	29		28	"	
	30		29	1056	
	31		30	"	
	32		31 (1)	"	
	33		31 (2)	"	
	34		32	"	
	35		33	"	
	36		34	1057	
	37		35	"	
	38		36	"	
	39		37	"	
	40		38	"	
	41		39	"	
	42		40	1058	
	43		41	"	
	44		44	"	
	45		45	"	
	46				Rep. 34 V. c. 11, s. 3.
	47	110	46	1058	
	48		47	1059	Part Dom.
	49			1059	Dom.
	50	110	48	"	Part. Dom.
	51				Unnec'y.
	52	110	49	1060	

## 29 VICT. 1865.

## CONSOLIDATED.

Chap.	Sec.	Chap.	Sec.	Page.	
1	1	12	11(2-4)	186	
12	1	71	{ 8 9	845 846	Oaths taken before 18th Sept 1865, confirmed. Sup. 39 V. c. 14, s. 13. Interpreta- tion Act not to apply.
	2				
	3				
	4				
16	1	97	1-3	946	
17	1	129	1	1177	
	2		5	1178	
	3		7	"	
	4		4	"	
	5		8	"	
	6		18	1181	
19	1	116	14	1118	
	2		15	1119	
	3		17	1120	
	4		18	"	
	5			1120	Dom.
	6			1121	
22	1	158	1	1426	
	2		2	1427	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	1428	
	7		7	"	
	8		9	"	
	9		10	"	
	10		11	1429	
	11		12	"	



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29-30 VICT. 1866.

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39	2	40	27	416		49	6	140	21	1235	
	3	49	47	606			7		5 (4)	1230	
40	1				{	51	1				{
							to				
					{		6				
							7				
	2	39	11	403	{		8				{
	3	41	1 (4)	436			to				
	4	39	15	404	{		49				
	5		16	404							
					{						{
	6				{		50				{
	7	39	17	405	{						{
	8										
					{		51				{
41	1	58	8	761	{		52				{
	2						53		1603		
					{		54				{
42	1	{ 40	97	432	{		55		1603		{
		{ 50	70	624			56				
	2	{ 50	269	667	{		to				{
		{ 40	38	420			79				
	3	{ 50	133	637	{		80				{
		{ 40	98	433			81				
	4	{ 50	72	625	{		82				{
							to				
	5				{		111				{
	6										
					{						{
43	1	93	1	937	{		112				{
	2		2	938			113				
	3				{		to				{
							119				
45	1	70	1	840	{		120				{
	2		2-5	841							
	3		6	842	{		121				{
	4		7	"			to				
	5		8	"	{		164				{
	6		9	843			165				
	7		10	"	{		166				{
	8		11	"			to				
	9				{		186				{
46	1	48	126	569	{		187		1666		{
	2		131	571			188		1667		
	3				{		189				{
							to				
					{		213				{
							214				
48	1	90	58-61	931	{		to				{
							216				
					{		217		1699		{
							218		1701		
49	1				{		219		"		{
							220				
	2				{		to				{
							248				
	3	140	{ 16 (1)	1234	{		249				{
	4		{ 16 (3)	"			to				
	5		17	1235	{		263				{
			19								





31 VICT. 1867-8.					31 VICT. 1867-8.						
Chap.	Sec.	CONSOLIDATED.				Chap.	Sec.	CONSOLIDATED.			
		Chap.	Sec.	Page.				Chap.	Sec.	P age.	
1	(4)	1	8 (8)	4		7	1				{ Repeals C. S. C. c. 110.
	(5)		(10)	"		2	224	3	2262		
	(6)		(11)	"		8	1				{ Short title. Short title of 23 V. c. 2.
	(7)		(12)	"		2					
	(8)		(23)	6		3	24	2	262		
	(9)		(13)	4		4		3	"		
	(10)		(14)	5		5		4	"		
	(11)		(4)	3		6		5	"		
	(12)		(15)	5		7					{ Rep. 32 V. c. 20, s. 1.
	(13)		(16)	"		8	24	7	262		
	(14)		(17)	"		9		{ 8 } { 9 }	263		
	(15)		(18)	"		10		10	"		
	(16)		(19)	"		11		17	265		
	(17)		(21)	"		12		14	264		
	(18)				Ultra vires.	13		15	265		
	(19)				Ultra vires.	14		18	"		
	(20)	1	8 (29)	7		15		19	"		
	(21)		(31)	"		16		16	"		
	(22)		(32)	"		17		1	261		
	(23)		(22)	6		9	1	95	11	942	
	(24)		(28)	7		2		12	"		
	(25)		(25)	6		3					{ Short title.
	(26)		(26)	"		11	1	{ 63 } { 80 }	5 (1) 7 (1)	791 879	
	(27)		(27)	"		2		{ 63 } { 80 }	5 (2) 7 (2)	791 880	
	(28)		(24)	8		12	1				{ Rep. 35 V. c. 38, s. 1 (O).
	(29)		(34)	"		13		200	10	2008	
	(30)		(35)	"		14					{ Rep. 35 V. c. 38, s. 1 (O).
	(31)		(46)	9		15					
	(32)		(39)	8		16		200	11	2008	
	(33)		(41)	9		18	1	{ 71 } { 79 }	1 1	844 875	
	(34)		(42)	"		2		71	2	844	
	(35)		(43)	"		20	1	111	2	1063	
	(36)		(44)	"		2					{ Rep. 34 V. c. 25, s. 1.
	(37)		(45)	"		3		111	3	1064	
	(38)		(36)	8		4					{ Rep. 36 V. c. 6, s. 3.
	(39)		{ (37) } (38)	"		5		111	5	1064	
	(40)		(47)	10		6			6	1065	
	(41)		10	"		7			7	"	
	8		8 (33)	8		8					
	9	2	2	10		9					
	10		3 & 4	10 & 11		10	111	10	1065		
	11		5	11		11		11	1066		
	12		6	"		12		15	"		
	13		1	10		13		16	"		
	14		7	11		14		17	1067		
	15				Short title.						
2	1	12	31	190							
	2		32	"							
	3		33	"							
	4				{ Rep. C. S. C. c. 4.						
3	1	19	1	228							
	2		2	"							
	3				{ Rep. 32 V. c. 27, s. 1.						
	4	19	3	229							
6	1	17	1	225							
	2		2	"							
	3	18	1	226							

31 VICT. 1867-8.					31 VICT. 1867-8.									
Chap.	Sec.	CONSOLIDATED.				Chap.	Sec.	CONSOLIDATED.						
		Chap.	Sec.	Page.				Chap.	Sec.	Page.				
20	15	111	18	1067	{ Rep. 39 V. c. 25, s. 1.	20	70 (1)	111	92 (1)	1088	{ Sup. 32 V. c. 30; 39 V. c. 2.			
	16		19	"			(2)		(2)	1089				
	17		20	"			(3)		(3)	"				
	18		21	"			(4)		(4)	"				
	19						(5)	(5)	"					
	20	111	23	1068			(6)	(6)	"					
	21	{ 62	45	788			(7)	(7)	"					
	22	{ 111	24	1068			(8)	(8)	1090					
	23	111	25	1069			(9)							
	24		26	"			(10)	111	92 (9)	1090				
	25		27	"			(11)		(10)	"				
	26		28	"			(12)		(11)	"				
	27		29	1070			(13)		(12)	"				
	28		30	"			(14)		(13)	"				
	29		31	1071			(15)		93	"				
	30		32	"			71		107	1093				
	31		33	"			72		95	1090				
	32		34	1072			73		96	1091				
	33		35	"			74		97	"				
			{ 2	1063			75	{ 111	82	1084				
			{ 36	1072				{ 146	70	1291				
			{ 61	1078				{ 111	83	1085				
	34		{ 64	1079				{ 146	71	1292				
	35			63			"	77	111	84		1085		
	36			65			"	78		85		"		
	37			66			"	79		86		1086		
	38			38			1072	80		87		"		
	39			39			1073	81	{ 23	37		258		
	40			40			"		{ 111	91		1088		
	41			43			1073-5	82						
	42			44			1075	83						
	43			45			"	84	111	106		1092		
	44			46			"	85		108		1093		
	45			47			"	86						
	46			48			1076							
	47			50			"							
	48			51			"	87						
	49	{ 62	46	788			{ Rep. 34 V. c. 25, s. 2.	21	1	224		4	2263	{ Short title. Appendix of forms referred to.
		{ 111	52	1077					2			7	"	
	50								3			9	"	
	51	62	46	788					4			19	2267	
	52	111	55	1077					5			20	"	
	53		56	"					6			10	2264	
	54		57	"					7			11	"	
	55		59	1078					8			17	2265	
	56		{ 59	"					9			12	2264	
			{ 60	"					10			13	"	
	57	40	90	431					11			14	2265	
	58	{ 111	76	1083					12			15	"	
	{ 180	151	1861	13	16	"								
59		77	1083	14	18	"								
60		67	1079	15	21	2267								
61		68	1080	16	22	2268								
62	{ 99	6	953	17	26	2269								
	{ 107	16	1025	18										
63	111	73	1082											
64		74	"	19										
65		75	1083											
66		78	"	20	224	2			2262					
67		80	"	21		6			2263					
68		81	1084	22		1			2262					
69		37	1072											

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	2					(2)	152	120	1368
	3					2		110	1366
	4					3		111	"
	5					4		112	"
	6	140	6 (3)	1231		5			{ Rep. 35 V. c. 33, s. 5.
	7					6	152	114	1367
	8					7		115	"
	9					8		117	1368
						9		118	"
						10		119	"
						11		102	1362
						12		73	1355
						13		123	1369
						14		124	1370
24	1	50	345	683	33	15			{ Repeals in- consistent enactments.
	2		347	684					
	3		348	685					
	4 (1)	66	45-46	810					
	(2)		47	"					
25	1	66	14	803	34	1	159	1, 2	1432
	2		15	"		2		3	"
	3		16	"		3		5	1433
	4		17	"		4		4	"
	5		18	"		5			{ Sup. 38 V. c. 4, ss. 5 & 7.
26	1								
	2	137	2	1209		1	186	1	1949
	3		3	1210		2		2	"
	4		4	"		3		3	"
	5		5	"		4		10	1950
	6		6	1211		5		4	1949
	7		7	"		6		5	"
	8		8	"		7		6	1950
	9		9	"		8		7	"
	10	136	15	1208	35	9		8	"
	11	137	10	1211		10		9	"
	12		11	1212		11		11	"
	13		1	1209		12		12	1951
						13		13	"
						14		14	"
						15		15	"
	14					16		21	1952
						17		16	1951
						18		17	1952
27	1	95	7	941	35	19		18	"
	2		5	"		20		20	"
	3		6	"		21		19	"
	4					22			{ Sup. 38 V. c. 4, s. 5.
28	1	98	12	950					
	2		13	"					
	3		14	"		1	7	1	42
	4		15	"		2		4	43
	5		16	"		3		5	"
	6		17	"		4		22	47
	7					5		7	41
						6		8	"
						7			{ Rep. 40 V. c. 24, s. 8.
31	1					8			
									{ Rep. 32 V. c. 49, s. 3.

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	10		24	"		14		16	1264									
	11		26	"		15		17	"									
	12		11	44		16		18	"									
	13	7	29	49		17		19	"									
	14					28		18	19		144	27	1265					
	15						"											
36	1	22	1	244	32 VICT., 1868-9.													
	2		4	245	Chap.	Sec.	CONSOLIDATED.											
	3		5	"			Chap.	Sec.	Page.									
	4		4	"														
	5		5	"														
	6		6	"														
	7	22	6	245							Effete. Tax for year 1868.	2	1	2	12	1, 2 2	183 "	
	8									"								
	9									"								
	10									"								
	11									"								
	12									"								
	13									"								
	14									"								
	15									"								
	16									"								
	17									"								
	18									"								
	19									"								
	20									"								
	21									"								
	22									"								
	23									"								
	24									"								
	25									"								
	26									"								
	27									"								
	28									"								
	29									"								
	30									"								
	31									"								
	32	22	30	249						Rep. 40 V. c. 7, Sch. A (15).	15	15	12	57	195	Effete. Time of commence- ment of s. 8.		
	33																31	"
	34																"	
37	1	144	11	1263	5	1				12	57	195	Repeals C. S. U. C. c. 15, ss. 13 & 15. Rep. 34 V. c. 12, s. 17. Abolishes Equity juris- diction of County Courts. Rep. 33 V. c. 7, s. 13.					
	2		11	"														
	3		2	1261														
	4		"															
	5	144	5	1262		6	1	2	3	40 49	103 47	434 606						
	6													"				
	7													"				
	8													"				
	9	7	"	(2)		{	40 49	103 47	434 606									
	10	"																
	11	"																
	12	144	14							1263								



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6	6				{ Repeals C. S. U. C. c. 17, s. 3.	6	24				{ Existing ar- rangements as to Gaol of York.
	7	44	2, 4	457							{ Repealing clause.
	8	49	44	605			25				{ Time of operation of Act.
	9(1)	82	1	881							
	(2)	85	5	900			26				
	(3)	85	6	900							
			1, 2	866							
			5	867							
	(4)	76	7	868							
	10				{ Abolishes Re- corder's Court	7	1				{ Repealing clause.
	11	72	6	849			2	55	6	748	
	12				{ Sup. 36 V. c. 48, s. 370.		3	126	3	1169	
					{ Sup. 36 V. c. 48, s. 321.		4	55	7	748	
	13				{ Proceedings pending in Recorder's Courts.		5		8	749	
	14				{ Sup. 36 V. c. 48, s. 333.		6		9	"	
					{ Duties of Recorder's Courts and Recorders transferred to Gen. Sessions and County Judge.		7		10	"	
	15						8		18	751	
							9		19	"	
	16						10		13	750	
							11		14	"	
							12		12	"	
							13		11	"	
							14		16	"	
							15		17	751	
							16		20	"	
							17		23	752	
							18	24,	25	"	
							19		26	"	
							20		27	753	
							21		28	"	
	17	49	31	602	{ Part Rep. 37 V. c. 7, s. 96.		22				{ Rep. 38 V. c. 16, s. 14.
	(2)		32 (2)	"			23	55	2	747	{ Pending pro- ceedings.
	(3)		33, 34	603			24				
	(4)		31, 35, 36	"			25	55	29	753	
	(5)		37	"			26		30	"	
	(6)		41	604			27		31	"	
	(7)		42	"			28		32	754	
	(8)		43	"			29		33	"	
	18(1)	50	253	664			30		34	"	
	(2)		{ 256	665			31		35	"	
			{ 287	671			32		36	755	
	(3)		{ 254 }				33		37	"	
			{ 255 }	665			34		38	756	
					{ Repeals secs. of the Jurors' Act.		35		39	"	
	19						36		40	"	
							37		41	757	
	20	48	46	546			38		42	"	
	21		57	549			39		43	"	
	22	5	3	33			40		44	"	
					{ Effete. Recognizances for ap- pearance in Recorders' Courts.		41		5	748	
	(2)				{ Former pro- ceedings con- firmed.		42				{ Effete. Dower con- summate be- fore 18th May, 1861.
							43	55	45	757	
	23						44				{ Short title.
						8	1	106	26	1017	
							2		25	"	

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	4		21	"			(2)		44	"	
	5		22	"			(3)		45	"	
	6		8	1013			(4)		46	"	
							(5)		47	"	
9	1	111	69	1080		23			48	104	
	2				Effete.		(2)		49	"	
							(3)		50	"	
							(4)		51	"	
10	1				Repeals C. S.	24			194	143	
					U. C. c. 87, s. 5.	25			11	96	
	2	99	5	952		26		{ 12, 13		{ 96	
		107	15	1024				& 14		"	
					Repeals C. S.		(2)		15	97	
11	1				U. C. c. 119,		(3)		16	105	
					s. 2.		(4)		56	105	
	2	84	2	890		27	{ 9		2 (8)	66	
	3		2	"			10		86	113	
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						29			55	105	
18	1	40	47	422		30			55 (2)	"	
	2		48	"			(2)		58	106	
19	1				Abolishes	31					{ Rep. 37 V. c.
					keeping of						5, s. 39 (1).
					Term.		(2)	10	60	106	
20	1	24	6	262			(3)		61	"	
					Repeals	32			62	"	
21	1				former elec-		(2)				Effete.
					tion Acts.	33		10	63	107	
	2	10	4	92		34			{ 79	{ 111	
	3		5	92		35			"	"	
	4		6	93			(2)				{ Rep. 37 V. c.
	5		7	93							5, s. 39 (8).
	6		2	91		36	10		81	111	
	7						(2)		(2)	112	
to					Rep. 39 V. c.	37			82	"	
10					11, s. 31.		(2)		83	"	
	9	26	73				(3)		84	"	
11	{ 10	177	139				(4)		85	"	
12					Rep. 39 V. c.	38					{ Rep. 37 V. c.
13					10, s. 11.	39					5, s. 39 (3).
14						40					{ Rep. 37 V. c.
15	10	22	98								5, s. 39 (9).
		23	"			41	10		91	115	
(2)		(2)	"				(2)		92 (2)	"	
16		24	"			42			93	116	
17		25	99				(2)				{ Rep. 37 V. c.
18		26	"								5, s. 39 (9).
	(2)	28	"			43	10		96	116	
(3)		27	"								{ Rep. 37 V. c.
	(4)				Rep. in part	44					5, s. 39 (9).
		29	100		by 38 V. c. 3	45	10		112	122	
19		30	100		ss. 20 & 21.	46			156	134	
20		31	"			47			{ 168	{ 136	
(2)		32	"						169	"	
(3)		32	"			48			171	137	
(4)		33	"			49			114	122	
(5)		34	101				(2)		113	"	
(6)		35	"			50			180	140	
(7)		36	"			51					{ Rep. 37 V. c.
(8)		32 (2)	100								5, s. 39 (7).
(9)		37	101			52					{ Rep. 37 V. c.
21		42	102								5, s. 39 (9).
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	54		124	125		22	4	{ 42 46 47	11 6 19 (2)	442 462 486	{ Part Sup. 36 V. c. 8, s. 47; 37 V. c. 7, 58.	
	55				{ Repealed in effect by 37 V. c. 5, s. 19. Rep. 37 V. c. 5, s. 39 (9).		5	42	12	442		
	56					23	1	{ 47 90	7 15	484 922		
	57	10	135	128			2	47	79(3)	498		
	(2)		136	"			3		(2)	"		
	(3)		138	"		4		80	"			
	(4)		139	"		5		124	506			
	58		137	"		6(1)		127	507			
	59		140	"		(2)		128	"			
	60		141	129		(3)		129	"			
	61				{ Rep. 36 V. c. 2, s. 2.		(4)	130	508			
	62	10	142	129			(5)	131	"			
	63		143	"			(6)	132	"			
	64		144	130			7(1)	133	"			
	65		{ 145 151(2)	133		(2)	134	509				
	66				{ Sup. 39 V. c. 10, s. 3.		(3)	135	"			
	67(1)	10	149(a)	131			8	136	"			
	(2)		(b)	"			9	137	"			
	(3)		(c)	"			10	138	510			
	(4)		(d)	132		11	139	"				
	(5)		(e)	"		12	140	"				
	(6)		149(2)	"		13	141	"				
	68		150	"		14	142	"				
	(1)		(a)	"		15 (1)	143	"				
	(2)		(b)	"		(2)	144	511				
	2		151(2)	133		16	145	"				
	69				{ Rep. 36 V. c. 2, s. 3.		17	94	501			
	70	10	163	135			18	74	497			
	71		154	133			19	75	511			
	72		155	134			20	146	530			
	73		176	138		21	238	492				
	74		172	137		22	{ 47 238	530				
	75		179	139		23		24	487			
	76		(2)	"		24		163	514			
	77		182(1)	140		25		161	"			
	(2)		(2)	"		26		210	524			
	(3)		(3)	"		27					{ Repeal of in- consistent enactments.	
	(4)		(4)	"								
	78		188	142	{ (11) Effete. See s. 55, <i>supra</i> .						{ Sup. 37 V. c. 7, s. 5; 40 V. c. 8, s. 2.	
	(1-21)					24	1					{ Sup. 37 V. c. 7, s. 16.
	(22)		189	"			2					{ Repeals 25 V. c. 18, s. 4.
	79		200	144			3					{ Rep. in part, 37 V. c. 7, s. 96.
	80		201	"		4	38	15, 16	391			
	81		2	91	Short title.			17	382			
	82					5					{ Rep. 37 V. c. 7, s. 96.	
						6					{ Sup. 40 V. c. 7, Sch. A (30).	
22	1				{ Repeals C. S. U. C. c. 15, s. 2.							
	2				{ Rep. 33 V. c. 12, s. 1.							
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							2		45	222		

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	6		35	219		31		52	"
	7		36	"		32		53	"
						33		54	"
						34		55	312
						35		56	"
27	1	12	55	195		36			
	2					to			
	3	17	2	225		39			
	4					40	30	57	312
						41		58	"
						42		59	313
						43		60	"
						44		61	"
						45		62	"
						46		63	314
	5					47			
	6					48	30	65	314
	7					49		66	"
	8					50		67	"
	9					51		68	"
	10					52		69	315
						53		70	"
						54		71	"
						55		72	"
						56			
28	1				29	1			
	2					2	15	9	204
	3					3		10	205
	4					4		11	"
	5	30	5	301		5		12	206
	6					6		13	"
	7	30	11	302		7		14	207
	8		12	303		8		15	"
	9		13	"		9		16	208
	10		14	"		10		17	"
	11		15	"		11		18	"
	12		16	"		12		19	209
	13		17	304		13		20	"
	14		18	"		14		21	"
	15		19	"		15		23	"
	16		20	"		16		24	"
	17		21	"					
	18		22	"		17			
	19		23	"					
	20		24	305					
	21		25	"					
	22		26	"	31	1			
	23		27	"		2	194	1	1979
	24	30	28	306		3		2	1980
	25		45	310		4		3	"
	26		47	"		5		5	"
	27		48	"		6		7	1981
						7		16	1982
						8		19	1983

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Transfer of  
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of 31 V. c. 6,  
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22 and 23.  
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26, s. 1 (O).

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26, s. 1 (O).

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	10		20	"			4		"		
	11		10	1981			5		5	"	
	12		17	1982			6		6	"	
	13		6	1980			7		7	292	
	14		22	1984			8		8	"	
	15		21	1983			9		9	"	
	16		23	1984			10		10	293	
	17		8	1981			11		11	"	
	18		9	"			12		12	"	
							13		13	"	
							14		14, 15	294	
							15		16	"	
							16		16	"	
							17		17	295	
							18		18	"	
							19		19	"	
	33		1	101			2		965		
2		3	"		2						
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8		10, 11	"		8						
9		12	"		9						
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22		37	"	22							
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24		39	"	24							
25		40	974	25							
26		41	"	26							
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28		47	976	28							
29		48	"	29							
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31		49 (2)	977	31							
32		50	"	32							
33		53	978	33							
34		54	"	34							
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36		52	978	36							
37		6	966	37							
38		7	"	38							
39		57, 58	980	39							
40		62	981	40							
41		63	"	41							
42		64	"	42							
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	(17)	180	6 (18)	1823	
	(18)		(19)	"	
	(19)		(20)	"	
	(20)		(21)	"	{ Rep. 33 V. c. 27, s. 4.
	(21)		(22)	"	
	(22)	.....	.....	.....	
	(23)	180	6 (24)	1824	
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10	174	341	1687		
11		348	1688		
12	.....	.....	.....	.....	{ Sup. 36 V. c. 47.
13	174	342	1687		
14		343	"		
15		344	1688		
16		345	"		
17		346	"		
18		347	"		
19	180	10	1824		
20		11	"		
21		12	"		
22		13	1826		
23		14	"		
24		15	"		
25		16	"		
26		18	"		
27		19	1827		
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29		22	"		
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31		24	1829		
32		25	"		
33		26	"		
34		27	1830		
35		28	"		
36		29	1831		
37		30	"		
38		(2)	"		
39		31	"		
40		(2)	"		
41		32	1832		
42		36	"		
43		35	"		
44		36(2)	"		
45		37	"		
46		38	1833		
47		39	"		
48		41	"		
49		42	"		
50		43	1834		
51		47	1835		
52		48	"		
53		50	"		
54		51	"		
55		52	1836		
56		54	"		
57	.....	.....	.....	.....	{ Rep. 37 V. c. 19, s. 10.

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	(2)		(3)	"	
	(3)		(4)	"	
	(4)		(18)	1839	{ Rep. 37 V. c. 19, s. 16.
	(5)		(6)	1837	
	(6)		(7)	"	
	(7)		(8)	"	
	(8)		(9)	"	
	(9)		(10)	1838	{ Sup. 37 V. c. 19, s. 19.
	(10)		(11)	"	
	(11)		(12)	"	
	(12)		(14)	"	
	(13)		(15)	1839	
	(14)		(17)	"	{ Rep. 37 V. c. 19, s. 22.
61	.....	.....	.....	.....	
62	180	58	1839		
63	.....	.....	.....	.....	
64	180	67	1842		
65		60	1840		{ Rep. 37 V. c. 19, s. 22.
66		61	1841		
67		63	"		
68	.....	.....	.....	.....	
69	180	65	1842		
70		66	"		{ Rep. 40 V. c. 27, s. 1.
71		68(1)	"		
(2)	.....	.....	.....	.....	
(3)	180	68(2)	1843		
72		69	"		
73		70	"		{ Rep. 40 V. c. 27, s. 1.
74		71	"		
75		72	"		
76		73	1844		
77		74	"		
78		75	"		{ Rep. 40 V. c. 27, s. 1.
79	.....	.....	.....	.....	
80	180	77	1844		
81		78	1845		
82		79	"		
83		80	"		{ Rep. 40 V. c. 27, s. 1.
84		81	"		
85		82	1846		
86		83	"		
87		85	"		
88		86	1847		{ Rep. 40 V. c. 27, s. 1.
89		87	"		
90		88	"		
91		89	1848		
92		90	"		
93		91	"		{ Rep. 40 V. c. 27, s. 1.
94		92	"		
95		93	1849		
96		94	"		
97		95	"		
98		96	"		{ Rep. 40 V. c. 27, s. 1.
99		97	"		
100		98	1850		
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	110		107	"			167		181	"	
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	112		109	1852			169		183	"	
	113		185	1869			170		184	"	
	114		110	1852			171		185	"	
	115		111	"			172		186	1870	
	116		112	1853			173		187	"	
	117		113	"			174		188	"	
	118		114	"			175		189	"	
	119(1)		115	1854			176		190	"	
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	120		116(2)	"			178		192	"	
	121		117	"			179		193	"	
	122		118	1855			180		194	"	
	123		119	"			181		195	"	
	124(1)		120	"			182		196	1872	
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	125		122	1856			184		198	"	
	126		123	"			185		199	"	
	127		124	"			186		200	"	
	128		125	"			187		201	"	
	129		126	"			188		202	"	
	130		127	1857			189		203	"	
	131		128	"			190		204	1873	
	132		129	"			191		205	"	
	133		155	1862			192		206	"	
	134		130	1857			193		207	"	
	135		131	"			194		208	"	
	136		132	1858			195		209	1874	
	137		133	"			196		210	"	
	138(1)		134	"			197		211	"	
	(2)		135	"			198		212	"	
	139		136	"			199		213	"	
	140		137 (1)	"			200		214	"	
	141						201		215	"	
	142						202		216	1875	
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					53				Effete.
					54	11	-5	162	
					55		6	"	
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					3		19	47	
					4		4	43	
					5		5	"	
					6		6	"	
					7		22	47	
					8		7	44	
					9		8	"	
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					14		23	48	
					15		24	"	
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	2						3	63	7 (1)	791	
	3						4	111	43	1073-5	
	4		20	265			5	63	7 (2)	792	
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6	1	23	18	254			7	62	38	785	
	2		19	"			8	111	43	1073-5	
	3		20	"			9	62	39	786	
8	1	39	3	401			10	111	43	1073-5	
	2		2	"			11	62	40	786	
	3	40	2	412		15	1				{ Repeals C. S, U. C. c. 33, s. 4.
	4	40			Temp. Exp.		2	138	1	1214	
	5						3		5	1215	
10	1		9	413			4		4	"	
	2		28	417			5		8	"	
	3		29	"			6		9	"	
	4		16	414			7		10	1216	
	5		15	"			8		11	"	
	6		10	413			9		12	"	
	7				{ Sup. 40 V. c. 8, ss. 7, 8.		10		13	"	
	8	40	32	418			11		14	"	
	9				Occ.		12		15	"	
11	1	110			{ Rep. 40 V. c. 7, Sch. B.		13		18	1217	
	2						14		16	"	
	3		42	1058			15		20	"	
	4						16		6	1215	
							17		7	"	
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							19		21	"	
					{ Repeals C. S. U. C. c. 22, ss. 110; 112-114; 130.		20		22	"	
							21		23	"	
12	1				{ Repeals C. S. U. C. c. 22, ss. 110; 112-114; 130.		22		24	1218	
	2	50	336	682			23		25, 26	"	
	3		155	641			24		27	"	
	4		118 (2)	633			25		28	"	
	5		148	639			26		29	1219	
	6	53	8	734			27		30	"	
	7	{ 67 16	33	824			28		31	"	
			30	218			29		32	"	
	8	50	119	633			30		33	"	
	9		120	634			31		17	1217	
	10		260	666		16	1	81	1	880	
	11		290	672			2		2	881	
	12		22	613			3		3	"	
			58	621			4		4	"	
	12		{ 244 245	662							{ Provided for purchase of site for Cen- tral Prison.
	13	140		1238		17	1				
	14				{ Rep. 40 V. c. 7, Sch. A (93).		2		2	2193	
	15	43	10, 11	449			3				
	16		13	450			4		29	2198	
	17				{ Repeals 32 V. c. 6, ss. 2 & 3. Rep. 36 V. c. 8, s. 59.		5		3	2193	
	18						6		5	"	
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							8		8	2194	
14	1				{ Repeals 26 V. c. 41.		9		9	"	
							10		10	"	
							11		11	"	





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	19		12	1268		6	138	47	1222				
	20		21	1269		7		48	"				
	21		19	"		8							
	22		23	1270									
	23		28	1271									
	24		24	1270									
	25		29	1271		9							
	26		30	"									
	27		31	"									
	28	32, 33	1271-2										
29	22	1269	10										
30													
31													
35	1				7	1	44	11 (2)	459				
	2	200	1 (7)	2007	8	1	47	84	499				
	3		7	2008	2		85	"					
	4				9	1	42	3 (2)	441				
	5				2		11	442					
	6			3		13	442						
	7	200	6	2007		15	443						
					10	1	50	155	641				
				2		43	148 (2)	639					
				3			14	450					
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				2			13 (2)	"					
2	1	12	14	187	12	1	116	7	1117	Date of operation of Act.			
	2		14 (2)	"		2		8	"				
	3		15	"		3		6	"				
	4		16	"		4		9	"				
	5		18	"		5		10	1118				
	6		19	188		6		11	"				
	7		20	"		7		12	"				
	8		17	187		8							
	9		21	188									
	3	1	12	7	184	13	1	59	3	763	Short title.		
2			7 (3) (4)	"	2			4	764				
3		{ 12	10	185	3			5	"				
4		{ 13	1	201	4			8	765				
5		12	9, 11	185	5			6, 7	764				
4	1	12	7 (2)	184	6		9	765	Short title.				
	2				7		13	766					
					8		10	765					
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5	1	12	57	195	10		14	766		Short title.			
	2		58	196	11		15	"					
6	1	138	44	1221	12		16	"				Short title.	
	2		45	1222	13		17	767					
	3		{ 138	46	"	14		18					"
	4		{ 140	16 (4)	1220	15		19					"
		138	36	"	16	49	45	605			Short title.		
				17	59	2	763						
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				19		7	"						
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	4		20	"		4		4	"		
	5		22	"		5		10	1546		
	6		23	730		6		6	1545		
	7		24	"		7		{ 5 9	1546		
	8		25	"		8		.....	.....		
	9		28	"	25	1	165	39	1526		
	10	49	45	605		2		40	1527		
	11	52	26	730		3		41	"		
	12		27	"		4		42	"		
	13		21	729		5		20 (8)	1503		
	14		1	724		6		39	1526		
15	1	106	37	1019	27	1	111	98	1091		
	2		9	1013		2		99	"		
	3		20	1016		3		100	"		
16	1	125	3, 4	1164		4		101	"		
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	3		21	1167		6		103	"		
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	6		23	"	28	1	111	4	1064		
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	8		17, 18	1167			31	1	146	10	1276
	9		20	"	2				.....	{ Rep. 40 V. c. 7, Sch. B.	
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	6		16	"		113 (1, 3)	1367				
	7		15	"		{ 113 (4)	"				
	8		18	1153		{ 121 122	1369 "				
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13		19	1153	11		.....	.....	{ Repeals in- consistent enactments.			
19	1	51	22			706	34		12	152	81
	2					1			144	2	1261
	21	1	24		21	266			2		4
		2		22	"	3			3	1261	
	22	1	23	30	257	{ Rep. 40 V. c. 7, Sch. B.		10	.....	{	.....
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	8		16	1264		10		9	"
	9		17	"					
	10		8	1262					
	11	.....	.....	{ Re 49 V. c.	39	1	197	1	1992
				23 D. .		2		2	"
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	8	175	5	1797					
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	15		26	"					
	16		27	"					
	17		28	"					
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	30		50	"		10		185	"
	31		51	"		11		186	"
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				c. 35, and all		19		23	"
				former Acts		20		24	"
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				relate to the		22		26	"
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				birds in this		24		28	167
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						26		30	"
				{ Effete.		27		31	"
				Quail during		28		72	174
				certain years.		29		73	"
38	1	.....	.....						
	2	200	1	2006					
	3	.....	.....	{ Effete.					
				Quail during					
				certain years.					
	4	200	2	2007					
	5		3	"					

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	34		78	"		27		165	"
	35		79	175		28		178	647
	36		80	"		29		158	642
	37		81	"		30		{ 162 }	643
	38		99	178				{ 163 }	"
	39		105	180		31	{ 40	87	430
	40		101	179			110	43	1058
	41		107	180		32	{ 40	86	430
	42						49	21	600
								22	"
3	1	139	2	1224		33		25	601
4	1	139	3	1224		34		10	596
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	3		5	"		36		12	"
	4		6	"		37		13	"
	5		7	"		38		14	598
						39		15	"
5	1	63	1	791		40		11	743
	2					41	54	12	"
						42		13	"
	3	23	43	260		43			
	4		44	"		44			
	5	40	14	414		45	66	56	812
						46			
6	1						{ 42	11	442
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	5	93	3	938		50	{ 49	8	"
	6		4	"			50	270	668
						51	{ 45	47	606
								1 (2)	436
						52	41	(4)	"
8	1	49	2	594		53	39	11	403
	2		4	595		54			
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	9		23	800		59	{ 43	13 (2)	450
	10		24	601			{ 44	4	457
	11		26	"		60	66	10	802
	12		27	"					
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	15		30	602		62	51	6	703
	16	50	257	665		63	39	50	410
	17		252	664		64			
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	20		263	666		9	1	50	250
	21	39	21	405			2	{ 50	251
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Confirms certain commissions.

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Et passim.

Rep. 40 V. c. 7, Sch. B.

Rep. 37 V. c. 7, s. 96. Sched.

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Repeals C.S. U. C. c. 22, s. 127.

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	5		101	630			2	127	2	1172	
	6	62	15	779			3		3	1173	
							4		4	"	
10	1	62	4	777			5		5	"	
	2		7	"			6		6	1174	
	3		8	"			7		7	"	
	4	{ 62	9	"			8		8	"	
		{ 174	404	1704			9		9	"	
	5	.....	.....	.....			10		10	"	
	6	62	10	778		11		12	"		
	7		11	"		12		13	"		
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11	1	62	48	788		14				Repeals C.S. U.C. c. 85, ss. 1, 5-8, & 34 V. c. 24, ss. 1-5.	
12	1	50	222	657							
	2		223	658							
	3		224	"							
	4		225	"							
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	6		227	"							
13	1	48	144	573		19	1	129	5	1178	
	2		115	566			2		6	"	
	3		125	569			3	{	2	1177	
							4		3	1178	
							5		15	1180	
									16	"	
14	1	51	20 (2)	705		20	1				Short title.
							2	106	7	1012	
15	1	21	15	241			3				{ Act not to affect pend- ing or decid- ed cases,
16	1	101	23	970							
	2		24	"							
	3		25	"			4	106	9	1013	
	4		35 (2)	973			5		10	"	
	5		45	975			6		11	1014	
	6		15	968			7		12	"	
	7		43	975			8		13	1015	
	8		61	980			9		14	"	
	9		29	971			10		15	"	
	10		59	980			11		16	"	
	11	{	42	975			12		17	"	
		{	51	977			13		18	"	
	12		16	968			14		19	1016	
	13		17	"			15		20	"	
	14		18	"			16		21	"	
	15		19	969			17		22	"	
	16		20	"			18		23	"	
	17		60	980			19		24	"	
	18		56	979			20		25	1017	
							21		26	"	
17	1	111	47	1075			22		27	"	
	2		41	1073			23		28	"	
	3		42	"			24		29	"	
	4		78	1083			25		30	1018	
	5		79	"			26		31	"	
	6		88	1087			27		32	"	
	7		74	1082			28		33	"	
	8		72	"			29		34	"	
	9		89	1087			30		35	1019	
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	37		21	"		10		6 (2)	1135
	38		22	"		11		8	1135
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	45	46	55	476		2		10	2155
	46	106	38	1019		3		11	"
1	1	60	1	770		4		6	2154
	2		3	771		5		7	"
	3		4	"		6			
						7	210	12	2156
22	1	95	4	941		8		13	"
						9		14	"
23	1	123	13	1152		10		15	2157
	2					11		16	"
						12		17	"
	3	123	13	1152		13		18	"
	4		7	1150		14		19	"
			13, 15	1152		15		20	"
						16		21	2158
						17		22	"
						18		23	"
	5					19		24	"
						20		25	"
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						22			
						23	210	27	2159
24	1	133	10	1190		24		64	2166
						25		65	2167
25	1	133	3	1189		26		66	"
	2		4	"		27		67	"
						28		68	"
26	1	134	2-6	1192-3		29		69	"
	2		10	1194		30		70	"
	3		7	1193		31		71	2168
			8	"		32		72	"
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			28	1196		34		74	"
	5		14	1194		35		30	2159
			15	"		36		31	"
	6		16	"		37		32	2160
	7		17	"		38		33	"
	8		18	1195		39		28	2159
	9		19, 20	"		40		29	"
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			22	1196		42		39	"
	11		23, 24, 25	"		43		40	"
	12		26	"				41	2162
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								63	"
								5	2150
27	1	120	3	1134		46	209	12	2151
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	19		21	1595	
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			76	1613		142		190	"
	77	{	78	1614		143		191	"
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	78		77			145		193	"
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	80		133			148		196	"
	81		134	"		149		197	1648
	82		82	1615		150		198	"
	83		83	"		151		199	"
	84		84	"		152		200	"
	85		85	"		153		201	"
	86		86	1616		154		202	1650
	87		87	"		155		203	"
	88		88	"		156		204	"
	89		89	"		157		205	"
	90		90	"					
	91		91	1617		158			{ Sup. by Bal- lot Act, 38 V. c. 28.
	92		92	"					
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	94		94	"		159	174	206	1650
	95		95	1618		160		207	1651
	96		96	"		161		208	"
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	108	174	113	1623		177		227	"
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	118					180		231	"
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	131		179	1644		193		244	"
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	399		480	"	
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	481		566	"	
	482		567	"	
	483		568	"	
	484		569	"	
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	(6)			180		140			{	40			21	415
	(7)			110		121		{	50	281			670	
								{	40	24			416	
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	17		492	1748	
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	19		495	"	
	20		546	1770	
17	21		555	1773	
	22				
	1	175	23	1798	{ Effete. Assessment Roll of 1873.  { Repeals 35 V. c. 37, s. 20.  { Effete. Not Pub. Gen Certain town- ships not to form part of Shumiah.
	2		24	"	
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	4				
	5	175	27	1798	
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	8		42	"	
	9		37	1800	
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	2		2, 4	"	
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	10				
19	1	180	{ 6 (19) 8 6 (19) 9 6 (17) 17 34 33 149 42 43 }	{ 1823 1824 1823 1824 1823 1826 1832 1833 1861 1833 1834 }	{ Past proceed- ings. Short title.
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	22				
	23	180	68 (2)	1843	
	1		529	1762	
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	3		533	"	
	4		8	340	
	5		6	"	
	6		2	339	
	22	24	21	266	
	2		22	"	
	1		121	1369	
	2		80	1356	
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	5				
	25	198			
	1				
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	3		3	1994	
	4		5	"	
	5		6	"	
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	7		8	"	
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	9		4	1994	
	10		10	1995	
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	2					29 } 30 }					
27	1 to 26	{			{ Constitution of the Coun- cil of Public Instruction, which was abolished by 37 V. c. 16, s. 1.	31 (1)	203	5 (1)	2019		{
						(2) (3) (4) (5) (6) (7) (8) (9)		(2) (3) (4) (1) (2) (13) (14)	2020 " 2024 " 2020 2021 "		
	27 (1)				{ Council Pub. Instruction. Effete.	a (10) (11) (12) (13) (14)		a (15) (9) (10) (11) 5(21) (22)	" 2022 2021 " 2023		{ Rep. 40 V. c. 16, s. 1 (10).
	(2) (3) (4) (5) (6) (7)	203	4, (1) (2) (3) (5) (6) (7)	2015 " " " " "		(15)a					
	(8) (9)				{ Election to Council Pub. Instruction. Effete.	b (16) (17) (18) (19) (20)	203	5 (23) (12) (12) 6 (5) (6) (7) (8)	2023 2021 " 2025 " " "		{ Effete. Relate to Council of Public In- struction.
	(10) (11) (12) (13) (14) (15) (16) (17) (18)	203	4 (9) (12) (13) (14) (15) (16) (17) (18)	2016 " 2017 " " " " 2016		(21) (22) (23)					
	(19)				{ Sup. 40 V. c. 16, s. 1 (4).	(24)	203	5 (24)	2023		{ Effete. Expenses of attending Council of Public In- struction.
	(20)	203	1 (27) (29) (28) (30) (19) (20) (22) (23) (25) (26) (27) (28)	2018 2019 2018 2019 2017 " 2018 " " " 2017		(25) (26)					
	(21) (22) (23) (24) (25) (26) (27) (28)					(27) (28) (29) (29)a (1) (2) (3) (4)	203	5 (16) (17) (18) " (a) (b) (c) (d)	2022 " " " " " "		
	(29)				{ Effete. See Rev. Stat. c. 203, s. 6 (9).	(30)					{ Effete. Relates to Council Pub. Instruction.
28	(1) (2) (3)				{ Effete. Relate to Council Pub. Instruction.	(31)	203	6(9) 6(10) 5(20)	2025 " 2022		
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35			3	2117	
36			5	"	
37			6	2118	
38					{ Rep. 40 V. c.
39		205	8	2118	16, s. 18 (2).
40			9	"	
	<i>a</i>		10	"	
41			38	2125	
42			11	2118	
43					{ Rep. 40 V. c.
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44					{ Sup. 40 V. c.
					16, s. 18 (5).
45		205	30	2122	
46					{ Sup. 40 V. c.
47		205	32	2123	16, s. 18.
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51			(2)	2121	
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			45	2128	
	<i>b</i>		15	2119	
	<i>c</i>		16	"	
	<i>d</i>		17	2120	
64			55	2130	
(1)			56	2131	
(2)			57	"	
(3)			58	"	
(4)			59	"	
(5)			60	"	
(6)			61	"	
(7)			62	2132	
(8)			63	"	
(9)			64	"	
65			65	"	
	<i>a</i>		(2)	"	
66			74	2134	
67			75	"	
68			76	"	
69			78	2135	
70			79	"	
71			80	"	
72			41	2127	
73			42	2128	
74			43	"	
75			44	"	
76			45	"	
77			46	2129	
78			47	"	
79			48	"	
80			49	"	
81			50	"	
	<i>a</i>		51	"	
82					{ Sup. 40 V. c.
					16, s. 5.
83		205	52	2129	
84			82	2136	
85			83	"	
86			84	"	
87			66	2132	
88			67	"	
89			68	2133	
90			69	"	
91			70	"	
92			71	2134	
93			72	"	
94			73	"	
95		207	1	2146	
96			2	"	
97			3	"	
98		205	4	2117	
	<i>a</i>		77 (1)	2134	
	<i>b</i>		(2)	2135	
	<i>c</i>		4 (2)	2117	
	<i>d</i>		(1)	"	
99			81	2135	
100			85	2136	
101			86	"	
102			87	2137	
103					{ Repealing
104		205	53	2130	cause.

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28	1				28	26(25) <i>a</i>	204	102(25)	2063	
	2	204	5	2032		<i>b</i>		(25)	"	
	3		6	"		<i>c</i>		(25)	"	
	4		39	2037		<i>d</i>		<i>a</i>	"	
	5		41	2038		(26)		(26)	"	
	6		17	2034		(27)		(27)	2064	
	7		226	2109		(28)		(28)	"	
	8		27	2037		(1)		<i>a</i>	"	
	9		19	2034		(2)		<i>b</i>	"	
	10		20	"		(3)		<i>c</i>	"	
	11		43	2038		(4)		<i>d</i>	"	
	12		44	"	27		210	2105		
	13		45	"	(1)		(1)	"		
	14		46	"	(2)		(2)	"		
	15		47	"	(3)	}		"		
	16	{	18	2034	(4)			(3)	"	
	17		48	2039	(5)				"	
	18		49	"	28 (1)		102 (2)	2059		
	19	{	50	2039	(2)		103 (1)	2064		
	20		18	2034	(3)		102 (12)	2061		
	21		36	2037	(4)		103 (2)	2065		
	22		48	2039	(5)		(3)	"		
	23		51	"	<i>a</i>		<i>a</i>	"		
	24		52	2040	(6)	{	102 (20)	2062		
	( <i>a</i> )		53	"	<i>a</i>			103 (4)	2065	
	( <i>b</i> )		21	2034	(7)			<i>a</i>	"	
			97	2057	(8)		(5)	"		
			100	2058			(6)	"		
					29		113	2074		
	25	204	225	2108	30 (1)		114	"		
	26(1)		102(1)	2058	(2)		115	"		
	<i>a</i>		<i>a</i> (1)	"	(3)		116	"		
	<i>b</i>		<i>a</i> (1)	"	(4)		117	2075		
	<i>c</i>		<i>a</i> (2)	2059	31		118	"		
	<i>d</i>		<i>a</i> (3)	"	(1)		(1)	"		
	<i>e</i>		<i>a</i> (4)	"	(2)		(2)	"		
	<i>f</i>		<i>a</i> (5)	"	(3)		(3)	"		
	(2)		(2)	"	(4)		(4)	"		
	(3)		(3)	"	(5)		(5)	"		
	(4)		(4)	"	32		119	"		
	(5)		(6)	2060	(1)		(1)	"		
	(6)		(7)	"	(2)		(2)	"		
	(7)		(8)	"	(3)		(3)	"		
	(8)		(9)	"	(4)		(4)	"		
	(9)		(10)	"	33		120	2076		
	(10)	{ 204	159	2086	34		121	"		
		{ 205	17	2120	<i>a</i>		122	"		
	(11)	204	102(17)	2062	35		123	"		
	(12)		(18)	"	(1)		(1)	"		
	(13)		(11)	2060	(2)		(2)	"		
	(14)		(12)	2061	(3)		(3)	2077		
	(15)		(13)	"	(4)		(4)	"		
	(16)		(14)	"	(5)		(5)	"		
	(17)		(15)	"	(6)		(6)	"		
	(18)		(16)	"	(7)		(7)	"		
	(19)		(19)	2062	36		124	"		
	(20)		(20)	"	37		125	"		
	(21)		(21)	"	38 (1)		128	2079		
	(22)		(23)	2063	(2)		129	"		
	(23)		(24)	"	(3)		130	"		
	(24)		239	2111	(4)		131	"		
	(25)		102(25)	2063	(5)		132	"		
					(6)		133	2080		
					39		26	2035		



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28	40	204	27	2035	28	61 (2c)	204	185	2091
	41		28	"		f		87 (1)	2052
	42		29	2036		(1)		188 a	2091
	43		30	"		(2)		87 (2)	2052
	44		31	"		(3)		188 b	2091
	45		32	"		a		87 (3)	2052
	46		78	2046		(4)		182	2091
	(1)		(1)	"		(5)		87 (4)	2053
	a		a	"		(6)		(5)	"
	(2)		(2)	"		(7)		(7)	"
	(3)		(3)	"		(8)		(8)	"
	(4)		(4)	"		(9)		(9)	"
	(5)		(8)	2048		a		88	2054
	(6)		(10)	"		b		(2)	"
	(7)		(11)	"		c		(3)	"
	a		a	"		d		(2)	"
	b		b	2049		(10)		(4)	"
	(8)		(12)	"		(11)		87 (6)	2053
	(9)		(13)	"		62		(10)	2054
	(10)		(14)	"		(1)		89	"
	47		79	"		(2)		(3)	2055
48 (1)				{ Rep. 40 V. c. 16, s. 6.		(3)		80 (6)	2050
(2)	204		78 (9)	2048		a		89 (1)	2055
(3)			80 (6)	2050		(4)		111	2073
(4)			(7)	"		(5)		89 (5)	2055
(5)			(1)	2049		(6)		(2)	"
(6)			(2)	"		(7)		(6)	"
(7)			(3)	2050		63		180	2091
(8)			(4)	"		a		185	"
(9)			(5)	"		64		185	"
(10)				{ Sup. 40 V. c. 16, s. 7.		(5)		109	2072
49	204		84	2051		(1)		110	"
50				{ Rep. 40 V. c. 16, s. 11.		(2)			{ Sup. 40 V. c. 16, s. 14 (2). Rep. 40 V. c. 16, s. 14 (3).
51	204		136	2080		a	204	110 (1)	2073
52			138	2081		(3)		(2)	"
53			135	2080		(4)		(3)	"
54			43	2038		(5)		(4)	"
55			141	2082		66		112	2074
56			85	2051		(1)		(1)	"
57			84	"		(2)		(2)	"
58			106	2071		(3)		(3)	"
a			(2)	"		(4)		(4)	"
59			107	"		67		90	2056
a			80 (5)	2050		68		92	"
60			108	2072		69		58	2041
(1)			(1)	"		70		23	2035
(2)			(2)	"		b		24	"
(3)			(3)	"		a		59 (1)	2042
(4)			(4)	"		b		(2)	"
(5)			(5)	"		c		(3)	"
(6)			(6)	"		d		(4)	"
(7)			(7)	"		72		41	2038
(8)			(8)	"		a		40	2037
61			87	2052		73			{ Declares that 32 V. c. 44 ap- plies to To- ronto alone.
(1)			(1)	"		74	204	83	2051
(2)			(2)	"		75		22	2034
a			a	"		76		54	2040
b			b	"		77		55	2041
c			c	"					
d			d	"					

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	79		57	"		(9)		126	2078
	80		60	2042		a		(2)	"
	81		37	2037		b		(3)	"
	82		36	"		c		(4)	"
	83	a	61	2042		d		(5)	"
		b	62	2043		e		(6)	"
	84					f		(7)	"
	85	204	25	2035		88(1)		104(21)	2069
	86		104	2065		a		a	"
	(1)		(1)	"		b		180	2091
	a					c		104(21b)	2069
	(2)	204	104 (2)	2065		d		182	2091
	a		a	2066		(2)		184	"
	(3)a		(3)	"		(3)		104(22)	2069
	b		(3)	"				(23)	"
	(1 a)		a	"		89			
	(2 a)		b	"		90	204	162	2087
	(4)		(4)	"		91		226	2109
	a		(5)	"		92		163	2087
	b		(6)	"		93		164	2088
	c		(7)	"		94		165	"
	(5)		(8)	"		95		166	"
	a		a	"		a		167	"
	b		b	"		96		168	2089
	c		c	"		a		169	"
	(6)					97		170	"
	(7)	204	(9)	"		a		(2)	"
	a		a	"		98		171	"
	b		b	"		a		172	"
	c		c	"		99		173	"
	(8)		210 (1)	2105		100		174	2090
	(9)		(2)	"		a		175	"
	(10)		(3)	"		101		170	2089
	(11)		(10)	2067		102		110(4)	2073
	(12)		(11)	"		103		176	2090
	(13)		(12)	"		104		226	2109
	(14)		(13)	2068		105		178	2090
	(15)		(15)	"		a		180	2091
	(16)		(14)	"		b		181	"
	(17)		(26)	2070		c		182	"
	(18)		(19)	2069		d		177	2090
	(19)		(20)	"		106		185	2091
	(20)		(18)	"		(1) a		186	"
	(21)		(24)	2070		b		187	"
	(22)		(17)	2069		107		188	2091-2
	(23)		(25)	2070		(1)		a	"
	(24)		(16)	2068		(2)		b	"
	(25)		(27)	2070		108		189	2092
	(26)		(28)	"		109		191	"
	87		105	"		110		192	"
	(1)		(1)	"		111		193	2093
	(2)		(2)	"		112		194	"
	(3)		(3)	"		(1)		(1)	"
	a		a	2071		a		(41)	2100
	b		b	"		(2)		(13)	2095
	(4)		104(16)	2068		(3)		(14)	"
	(5)		105 (4)	2071		(4)		(15)	"
	(6)					(5)		(16)	"
	(7)	204	105(5)	2071		a		110(4)	2073
								194(17)	2096
						(6)		(18)	"
						(7)		(3)	2093

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16, s. 3 (7).

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28	112(7) <sup>a</sup>	204	194(3) <sup>a</sup>	2093
	(8)		(4)	"
	(9)		(7)	2094
	<sup>a</sup>		(8)	"
	(10)		(2)	2093
	<sup>a</sup>		(5)	"
	<sup>b</sup>		(5)	"
	(11)		(20)	2096
	<sup>a</sup>		(21)	"
	<sup>b</sup>		(21 <sup>a</sup> )	"
	<sup>c</sup>		(21 <sup>b</sup> )	"
	(12)		(6)	2094
	(13)		(30)	2098
	(14)		(31)	2098
	(15)		(9)	2094
	(16)		(33)	2099
	(17)		(10)	2094
	(18)		(11)	"
	(19)	} .....	Effete. Elections to Council of Public In- struction.	
	(20)			
	(21)			
	22	204	194 (26)	2097
	<sup>a</sup>		<sup>a</sup>	"
	<sup>b</sup>		<sup>b</sup>	"
	<sup>c</sup>		<sup>c</sup>	2098
	(23)		(27)	"
	<sup>a</sup>		<sup>a</sup>	"
	<sup>b</sup>		<sup>b</sup>	"
	(24)		(22)	2096
	<sup>a</sup>		<sup>a</sup>	"
	(25)		(23)	2097
	(26)		(24)	"
	<sup>a</sup>		<sup>a</sup>	"
	(27)		(25)	"
	<sup>a</sup>		<sup>a</sup>	"
	(28)		(28)	2098
	(29)		(29)	"
	(30)		(35)	2100
	(31)		(12)	2095
	(32)		(34)	2099
	(33)		(36)	2100
	(34)		(17)	2095
	(35)		(39)	2100
	(36)		(38)	"
	(37)		(19)	2096
	(38)		(37)	2100
	(39)		(32)	2098
	<sup>a</sup>		<sup>a</sup>	"
	<sup>b</sup>		<sup>b</sup>	2099
	<sup>c</sup>		<sup>c</sup>	"
	<sup>d</sup>		<sup>d</sup>	"
	<sup>e</sup>		<sup>e</sup>	"
	<sup>f</sup>		<sup>f</sup>	"
	113		195	2100
	( <sup>a</sup> )		(2)	"
	( <sup>b</sup> )		(3)	"
	( <sup>c</sup> )		(4)	"
	114		194	2093
	(1)		(1)	"
	(2)		(41)	2100
	(3)		(3)	2093
	(4)		(4)	"

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28	114(5)	204	194(4)	2093	
	(6)		(7)	2094	
	(7)		(8)	"	
	(8)		(2)	2093	
	(9)		(5)	"	
	(10)		(21) <sup>a</sup>	2093	
	<sup>a</sup>		(21)	"	
	<sup>b</sup>		(20)	"	
	(11)		(6)	2094	
	(12)		(15)	2095	
	(13)		(16)	"	
	<sup>a</sup>		17	2096	
	(14)		(26)	2097	
	<sup>a</sup>		<sup>a</sup>	"	
	<sup>b</sup>		<sup>b</sup>	"	
	<sup>c</sup>		<sup>c</sup>	2098	
	(15)		(27)	"	
	<sup>a</sup>		<sup>b</sup>	"	
	(16)		(22)	2096	
	<sup>a</sup>		<sup>a</sup>	"	
	(17)		(23)	2097	
	(18)		(25)	"	
	<sup>a</sup>		<sup>a</sup>	"	
	(19)		(17)	2095	
	(20)		(12)	"	
	(21)	} .....	Effete. Election Lists for Council of Public In- struction.		
	(22)				
	(23)				
	(24)	204	194(39)	2100	
	(25)		(38)	"	
	(26)		(37)	"	
	(27)		(32)	2099	
	(28)		(11)	2094	
	(29)		(40)	2100	
	115		196	2101	
	<sup>a</sup>		(2)	"	
	<sup>b</sup>		(3)	"	
	<sup>c</sup>		(4)	"	
	116		198	"	
	<sup>a</sup>		( <sup>a</sup> )	2102	
	117		87	2053	
	(1)		(6)	"	
	(2)		(5)	"	
	<sup>a</sup>		199	2102	
	<sup>b</sup>		87(5)	2053	
	118		197	2101	
	(1)		(1)	"	
	<sup>a</sup>		<sup>a</sup>	"	
	(2)		(2)	"	
	119		200	2102	
	120		201	"	
	<sup>b</sup>		(2)	"	
	<sup>c</sup>		(1)	"	
	<sup>d</sup>		(3)	"	
	<sup>e</sup>		(5)	2103	
	121		202	"	
	<sup>a</sup>		(2)	"	
	122		203	"	
	123		204	"	
	<sup>a</sup>		205	"	

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28	124	204	206	2104	28	133	203	9	2026
	(a)		(2)	"		(a)		11	"
	(b)		(3)	"		134		12	"
	125		207	"		(a)		13	"
	126		208	"		(b)		14	"
	(a)		209	"		135		16	2027
						136		15	2026
	127					137		17	2027
	128					138	204	217	2106
						139		213	"
						(a)		214	"
						140		215	"
						(a)		216	"
	129	203	6	2020		141		7	2032
	1		5 (6)	"		(a)		{ 78, (8)	2048
	(a)		(6) a	"				101	2058
	2		(7)	"		(b)		105 (2)	2070
	(a)		(8)	"		142		9	2032
	3		(8)	"		(a)		10	2033
	4		6 (7)	2025		143		227	2109
	5		(4)	"		144		11	2033
	6		(5)	"		(a)		12	"
	7		(6)	"				102 (20)	2062
	8		(1)	2 24		145		104 (17)	2069
	9		(2)	"				165 (3)	2071
	10		(2)	"		146		160	2086
	11		(3)	"		147		{ 127	2078
	12 (a)							{ 190	2092
	(b)	203	5 (23)	2023		(a)		{ 127 (2)	2078
	13		5 (12)	2021				{ 190	2092
	14		5 (21, 22)	2023		148		161	2086
	15		(13)	2021		149		13	2033
	16		(14)	"					
	17		(a)	"		(a)			
	18		(15)	2022		150	204	16	2033
	19					151		153	2085
						(a)		154	"
						(b)		170 (2)	2089
	20	203	5 (16)	2022		(c)		155	2085
	21		(17)	"		(d)		156	"
	22		(18)	"		(e)		157	"
	(a)		a	"		(f)		158	"
	(b)		b	"		(g)		159	2086
	(c)		c	"		152		93	2056
	(d)		d	"		153		94	2057
						154		95	"
	(23)					155		102 (16a)	2061
						(a)		(b)	"
	(24, 25)	203	6 (8)	2025		(b)		(c)	2062
			y	"		(c)		(d)	"
	130		5 (25)	2023		156		8	2032
	(1)		a	"		(a)		(2)	"
	(2)		b	2024		157 (1)		210 (1)	2105
	(3)		c	"		(2)		(3)	"
	(4)		d	"		158		211	"
	(5)		e	"		159		(2)	"
	(6)		f	"		(a)		212	"
	(7)		g	"		160		218	2107
	(8)		h	"		161		219	"
	131		7	2025		162		220	"
	a		10	2025		163		221	2108
	132		8	"		164		222	"
						165		224	"
						166			

Effete.  
Relate to the  
office of Chief  
Superinten-  
dent, abolish-  
ed 39 V. c. 16.

Rep. 40 V. c.  
16, s. 2 (1).

Effete.  
Council of  
Public In-  
struction.

Effete.  
Council of  
Public In-  
struction.

Rep. 40 V. c.  
16, s. 3 (1).

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28	167	204	223	2108	29	25			Short title.	
	168		228	2109						
	(a)		(2)	"						
	169		102 (16)	2059						Repeals previous medical Acts.
	(a)		102 (1,5)	2058-9						
	(b)		229	2109						
	170		230	"						
	171		231	2110						
	172		232	"						
	173		233	"						
	174		234	"						
	175		235	2111						
	176		236	"						
	(a)		237	"						
	177		238	"						
	178		239	"						
	(a)		119	2075						
	179		240	2111						
	180		241	2112						
	181		242 (1)	"						
	(a)		(2)	"						
	(b)		(3)	"						
	(c)		243	"						
	182		102 (22)	2063						
	183		42	2038						
	184		244	2113						
	185		245	"						
	186		246	"						
	187		247	"						
	188		248	"						
	189		249	2114						
	190		256	"						
	191									
	192		3	2031		{	Repealing clause.			
	(2)		2(1-3)	"						
	193		4	2032						
29	1	213	2	2178	30	1			Effete. Continue existing council until election held under this Act.	
	2		3	"						
	3		4	2179						
	4		5	"						
	5		6	"						
	6		7	2179						
	7		8	2180						
	8		9	"						
	9		10	"						
	10		11	"						
	11		12	"						
	12		13	"						
	13		14	2181						
	14		15	"						
	15		16	"						
	16		17	"						
	17		18	"						
	18		19	"						
	19		20	2182						
	20		21	"						
	21		22	"						
	22		23	"						
	23		24	"						
	24		25	2183						
						2, 3			Effete. Continue existing council until election held under this Act.	



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30	36	142	55	1256	32	40	181	56	1899	Rep. 40 V. c. 18, s. 20.
	37		44	1255		41		58	"	
	38		45	1255		42		57	"	
	39		39	1253		43		59-61	1899	
	40 (1)		40	1254		44		.....	{	
	(2)		41	"		45		69		
	(3)		42	"		46		72	1903	
	(4)		49	1255		47		66	1901	
	(5)		46	"		{		5	1883	
	(6)		48	"				70	1902	
	41		51-53	1256		49		79	1907	
	42		50	1255		50		80	"	
	43		47	"		51		82	"	
	31		1	224		23		2268	52	
2		24	"		53	85	"			
32	1	181	2 (1)	1882	54	92	1911	Rep. 40 V. c. 18, s. 26.  Repealing clause.  Short title.		
	2		(2)	"	55	94	"			
	3		(3)	"	56	.....	{			
	4		(4)	"	57	97			1912	
	5		7	1883	58	54	1898			
	6		{	.....	{	59	98		1912	
	60					102	1913			
	7		{	.....	{	61	.....		{	
	8					181	97			1912
	8		{	{	54	1898				
	37				1893					
	9		4	1882	59	98	1912			
	10		24	1889	60	102	1913			
	11		.....	.....	{	.....	{			
	12		181	19		1888			.....	{
	13		{	9	1884	{	.....		{	
	14				10					"
	15		{	11	1885	{	13		2260	
	16				25				1889	{
	17		.....	.....	{	11	"			
	18		181	29			1891		{	9
	19		{	38	1894	{	10			
	20				45				1896	{
	21		46	"	{	13	2260			
	22		.....	.....			{		14	2261
	23		181	32	1892	{				15
	24		{	39 (1)	1894		{		1	
	25				40	"				{
	26		41	"	{	3	1558			
	27		42	1895			{		4	"
	28		43	"	{	5				"
	29		44	"			{		6	"
	30		47	1896	{	7				1559
	31		48	"			{		8	"
	32		49	1897	{	9				"
	33		50	"			{		10	"
	34		52	"	{	11				"
	35		51	"			{		12	1560
	36		53	1898	{	13				"
	37		62	1900			{		14	"
	38		63, 64	1900-1	{	15, 16				1561
39	55	1898	{	17			"			
					{	18	1562			
			{	19			"			
					{	.....	.....			

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35	1	150			Short title.	35	59			{ Repealing clause.		
	2		2	1321								
	3		3	"			60	150	65		1336	
	4		4	"			61					
	5		5	1322								
	6		8	1323								
	7				{ Rep. 40 V. c. 8, s. 62.	62	150	67	1336	{ Effete. Pending applications.		
	8	150	10	1323		63		68	"			
	9		11	"		36	1	165	Passim.			
	10		14	1324		2		36 (6)	1525			
	11		15	"		3						
	12		16	"								
	13		17 (1-2)	1325	{ Repeals C. S. C. c. 66, ss. 178, 179.	37	1	166	12	1546	{ Repeals C. S. C. c. 66, ss. 178, 179.	
	14	17 (3-4)	"	2				13	1547			
	15	18	"	3				14	"			
	16	19	"									
	17	20	1326									
	18			{ Rep. 39 V. c. 7, s. 25.			65	1	6	1		36
	19	150	22		1326	2					{ Effete. Provisions to effect the for- mation of the Provisional County.	
	20		23		"	to						
	21		24		"	7						
	22		25		"	8		6	2	36		
	23		26		1327	9						{ Effete.
	24		{ 28, 29	31	1328	10	6	3	36			
	25	35		1329	11		4	37				
	26	30		1328	12		5	"				
	27	32		"	13		6	"				
	28	34		1329	14		10	38				
	29	36		"	15		7, 8	37				
	30	37	"	1330	16		9	38	{ Rep. 40 V. c. 24, s. 8.			
	31	38	"		17							
	32	39	"		18	6	17	39				
	33	40	"		19		11	38				
	34	41	"		20		12	"				
	35	42	"		21		13, 27	38, 41				
	36	43	"	1331	22		24	40	{ Effete. Transfer of registry books.			
	37	44	"		23		25	"				
	38	45	"		24							
	39	46	"		25	6	18	39		{ Effete. Distribution of joint assets and liabilities of Peterboro' and Victoria. Effete. Pending judi- cial proceed- ings.		
	40	47	"		26							
	41	48	"		27							
	42	49	"									
	43	50	1332									
	44	51	1333	{ Future legis- lation.	28	6	19	39				
	45	52	"		29		20	40				
	46	53	"		30		21	"				
	47	54	"									
	48	55	1334									
	49	56	"									
	50	57	"	1335								
	51	58	"									
	52	59	"									
	53	60	"									
	54	61	"									
	55	62	1335									
	56	63	"	{ Future legis- lation.								
	57											
	58	150	64		1335							

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65	31	6	22	40	3	6	12	12	186	{ Effete.Temp. for purpose of Elections of 1875.	
	32		23	"		7					
	33		28	41		to					
	34		29	"		10					
	35		30	"		11	10	74	110		
	36		31	"		12					
	37	{ Sup. 38 V. c. 2, s. 12.				13	10	17	97	{ Rep. 39 V. c. 11, s. 31.	
						14	{ 39	101			
							{ 48	104			
						15	91	115	{ Part Sup. 39 V. c. 10, s. 4.		
						16	{ 10	75		110	
							{ 174	81		1614	
							{ 174	126		1627	
						17	{ 10	{ 76, 77	110		
							{ 174	91	115		
							{ 174	126	1627		
						18	10	197	143		
						19		53	104	{ Sup. 39 V. c. 10, s. 12. Sup. 39 V. c. 10, s. 13.	
						20					
						21					
						22	10	78	110		
						23		{ 7 (5)	94		
						24		{ 92 (2)	115		
						25		92	"		
						26		{ 30 (2)	100		
						27		190	142		
						28		39(4)	102		
								5	92		
								87	113		
						4	1	1	8 (40)	9	{ Retrospective operation of preceding section.
							2				
							3	74	1	855	
							4		2	856	
							5		3	"	
							6		4	"	
							7		4	"	
							8				{ Effete.
							9				
							10	74	6	857	
									7	"	
							11				{ Certain Acts not to be af- fected by this Act.
							12				
											{ Repealing clause.
							5	1	3	1	14
						6	1	4	1	15	
							2		2	"	
							3		3	16	
						7	1	12	56	195	{ Repeals 34 V
							2				

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			1	183	
	2		14(17-19)	55, 56	{ Effete. Abolished Elect. Dist. of Bothwell.
	3				
		4	8	(20-21)	
	(22-23)			"	
	(9-10)			54	
	15 (71)			62	
	(70)			"	
	14(11-13)			55	
	(53-55)			61	
	15(80)			63	
	12		14(49)	60	
	13		(46-48)	59	
	14		(42)	"	
	15		(43)	"	
	16		(45)	"	
	17		15 (81)	64	
	18		(75)	63	
	19	{	14 (4)	54	
			(24)	56	
			(34)	57	
			(60)	62	
			13	53	
			20	6	51
	21	7	"		
	22	8	"		
	23	9	"		
	24	10	52		
	25	11	"		
	3	1	11	162	<i>Et passim.</i>
		2	{	2(1)	
103				179	
(63)					
3		{	64	172	
			(65)		
			69		
4		{	70	173	
			67	"	
			71	"	

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8	1	124	5	1157		15	4	165	20	6	1503																						
	2		6	"						19	1505																						
	3		7	"						20	"																						
	4		8	1158						21	"																						
	5		9	"																													
	6	.....	.....	.....		16	108		4	1035																							
9	.....	.....	.....	2					5(12)	1038																							
	.....	.....	.....	3					6 (1)	"																							
	.....	.....	.....	4					(21)	"																							
	.....	.....	.....	5					43	1047																							
	.....	.....	.....	6		44	"																										
	11	1	39	14		404	Rep. 39 V. c. 12, s. 3.	17	1	111	71	(1)	1081	Repeals and amends sec- tions of C. S. U. C. c. 88 & 27-8 V. c. 29.																			
2		.....			.....							.....	2		(2, 3)	"																	
.....		.....			.....							3	(4)		"																		
.....		.....			.....							4	(5)		"																		
.....		.....			.....							5	(6)		"																		
2		75	2	858	.....	.....		.....	.....	.....	.....	.....	.....																				
3															4, 5	859	18	1	46	64	478												
4															6	860						2	65	"									
5															7	"						3	65	"									
6															8	"						4	66, 67	"									
7															9	"						19	.....	.....	.....	.....							
8															10	861											1	135	5	1199			
9															11	"															2	1198	
10															12	"															3	1199	
11															13	"															4	6	"
12															14	"															5	7	"
13															15	862															6	8	1200
14		16	"	7	4	1199																											
15	17	"	8	9	1200																												
16	18	"	9	10	"																												
17	1	858	10	11	"																												
12	1	47	10	484	.....	.....	.....	.....	.....	.....	.....	.....																					
	2		{	11, 13-14									484-6	19	1	135	5	1199															
	3			11									484						2	1198													
	4			17									"						3	1199													
	5			11									484						4	6	"												
	6	42	{	13									442						5	7	"												
	13	1	90	52									929						Effete. Cer- tain Councils in Algoma continued till 1876.	.....	.....	.....	.....	.....	.....	.....							
		2		53									930														19	1	135	5	1199		
		3		54									"																			2	1198
		4		55									"																			3	1199
		5		56									"																			4	6
		6	39	927									5																			7	"
7		7	13	45	6	8	1200																										
8		.....	.....	.....	7	4	1199																										
9		175	30	1799	8	9	1200																										
10		31	"	9	10	"																											
11		53	1802	10	11	"																											
12		45	"	11	12	"																											
13		54	1803	12	13	"																											
14		14	.....	.....	.....	13	14	"																									
		15	1	48	137	572	14	15	1201																								
			2	165	20 (10)	1503	15	16	"																								
			3	.....	(11)	1504	16	17	"																								





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	36		166	"	
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	38		168	1642	
	39		169	"	
	40	.....	.....	.....	
	41	.....	.....	.....	
	42	.....	.....	.....	
	43	.....	.....	.....	
30	1	.....	.....	.....	{ Continues 37 V. c. 18.
	2	91	3, 5	933	
65	1	162	2	1464	
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	3	{ 161	35	1453	
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	2		13	442	
	3	.....	.....	.....	
	4	174	160	1639	
	5		.....	.....	
	6	.....	.....	.....	
	7	.....	.....	.....	
	8	.....	.....	.....	
	9	.....	.....	.....	
	10	.....	.....	.....	
2	1	36	2	376	{ Repeals part of 38 V. c. 44. Amends 38V. c. 67. Repeals 38 V. c. 68 in part.
	2		3	"	
	3		4	377	
	4		5	"	
	5		6	"	
	6		12	378	
	7		13	"	
	8	.....	14	"	
	9	.....	22	380	
	10	.....	8	377	
	11	.....	9	378	
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	13	.....	11	"	

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	19		23	"	
	20		20	"	
	21		21	"	
	22		24	"	
	23		25	"	
	24		26	381	
	25		1	376	
	26		.....	.....	
	27		.....	.....	
	28		.....	.....	
3	1	124	{ 11	1159	{ Repeals 32 V. c. 30, and 33 V. c. 22. Date of operation.
	2		{ 12	"	
	3		3	1157	
	4	.....	.....	.....	
5	1	174	7 (4)	1158	{ Validates past mar- riages.
	2		.....	.....	
	3		.....	.....	
	4		.....	.....	
	5	174	118	1625	
	6		119	1626	
	7		135	1630	
	8		136	"	
	9	174	.....	.....	
	10		.....	.....	
7	1	174	{ 128	1628	{ E fete. E elections of Jan., 1876.
	2		{ 140	1632	
	3		127	1627	
	4	174	.....	.....	
	5		.....	.....	
	6	174	101	1620	
	7		.....	.....	
	8		.....	.....	
	9	174	{ 78	1614	
	10		{ 127	1627	
	11		147 (2-3)	1635	
	12	{	150	1635-7	{ E fete. Income voters in Jan. 1876. Rep. in part 39 V. c. 11, s. 14 (3).
	13		.....	.....	
	14		147 (5)	"	
	15	{	149	"	
	16		168	1642	
	17	{	.....	.....	
	18		.....	.....	
	19		.....	.....	
	20	{	.....	.....	
	21		.....	.....	

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	4	41	16	439		(10)			Repeals C. S. U. C. c. 22, s. 100.
	5	38	11	391		(11)	40	105	435
	6	43	{ 35, 37	455		(12)	99	1	952
			40	456		(13)			Repeals 23 V c. 24, s. 1. Repeals 27-8 V. c. 6. Rep. 40 V. c. 7, <i>Sch. A</i> .
	7	42	25	446-7		(14)			
		50	121	634		(15)			
		101	56	979		(16)	61	38	1454
	8	53	12	735		(17)			Repeals 36 V. c. 48, s. 316.
	9	54	4	742		(18)	50	281	670
	10	95	8	942		(19)			Repeals 37 V. c. 19, s. 22.
	11		9	"					
	12	109	4	1051	7	<i>Sch. B</i>			
		1	8 (16)	5		(1)	5	1(25)	23
		16	34	219		(2)	41	11	438
	13	20	11	232		(3)	40	59(4)	424
		39	48	410		(4)	"	66(4)	426
		43	7	449		(5)	25	5	268
	14	71	2	844		(6)	99	2	952
		111	82	1084		(7)	111	22	1068
	15	146	70	1291		(8)	101	51	977
						(9)	174	388	1700
	16	7	2	42		(10)	38	13	391
	17		1	42		(11)	41	6	437
						(12)	40	27	416
	18	174	{ 67	1608		(13)	174	492	1748
			68	1609		(14)	203	4(3)	2015
	19					(15)		5(1)	2019
						(16)	204	78(10)	2048
	20	{ 173	108	1622		(17)		108(3)	2072
		{ 174	572(2)	1777				(7)	"
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	59	199	7 (4)	2002							
	60		12 (1)	2003							
	61	161	43	1455							
	62	150	9	1323							
	63		14	1324							
	64		6	1322							
	65		7	1323							
	66	172	1	1581							

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	2	{ 10	11	96	16	3		13	"
		{ 174	461 (1)	1724		1 (1)	203	4 (5)	2015
	3	{ 10	11	96		(2)		(12)	2016
		{ 174	461 (1)	1724		(3)		(18)	2017
	4	9	2	65		(4)		(11)	2016
	a		(2)	"		(5)		(19)	2017
	b		(3)	66		(6)		(20)	"
	c		(4)	"		(7)		5 (24)	2023
	5		(5)	"		(8)		(10)	2021
	6	174	115 (1)	1624		(9)		(10a)	"
	(1)		(1a)	"		(10)		(12)	"
	(2)		(1b)	"		(11)		(23)	2023
	7		(2)	"		(12)		(19)	2022
	8		(3)	"		(13)		6 (9)	2025
	9		128	1628		(14)		4 (31f)	2019
	10	{ 9	31 (2)	75		(15)	205	79	2135
		{ 174	129	1628		(16)		80	"
	11		130	"		2 (1)	203	5 (23)	2023
	12		131 (1)	"		(2)		(25)	2024
	(2)		(2)	1629		3 (1)	204	14, 15	2033
	(3)		(3)	"		(2)		59	2042
	(4)	{ 9	2 (9)	66		(3)		{ 40	2037
		{ 174	131 (4)	1629		(4)		{ 41	2038
	13	174	{ 94 (2)	1618		(5)		2(4,5)	2031
			{ 95	"		(6)		78(9,10)	2048
	14					(7)	203	94	2057
	(2)	174	132	1629		(8)	204	4 (29)	2019
	(3)					(9)		163 (8)	2088
	15	174	100	1619		(10)		167	"
	16		101	1620		(11)		189	2092
	17		Sch. C.	1790		4		192	"
	18 (1)		296	1672		5		96	2057
	(2)		297	1673				78 (9)	2048
	19		163	1641				91	2056
	20		{ 79	1614				99	2058
			{ 124	1627				120, 121	2076
14	1				15	6 (1)		142	2082
	2	166	23	1552		(2)		143	"
	3 (1)		22 (1)	1551		(3)		144	"
	(2)		(2)	"		(4)		145	2083
	(3)		(3)	"		(5)		146	"
	(4)		(5)	"		(6)		147	"
	(5)		26	1553-4		(7)		148	"
	(6)		22 (6)	1552		(8)		{ 78(12,13)	2049
	(7)		(7)	"		(9)		149	2083
	(8)		(8)	"		(10)		150	2084
	(9)		(9)	"		(11)		151	"
	4		22(3)	1551		7		152	2085
	5		24	1553		8		81, 82	2050
	6		15	1547		9		88 (1, 4)	2054
	7		16	1548		10		102 (11)	2060
	8		17	"		11 (1)		85	2051
15	9		18	"	16	(2)		137 (1)	2081
	10		19	"		(3)		139	"
	11		20	"		(4)		140	2082
			21	"		(12)		134	2080
						(2)		183	2091
						(3)		179	2090
						13 (1)		194 (22)	2096
								{ 78 (8)	2047
								{ 101	2058



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	78 (5-7)		2047-8	34			34	353			
	90	2056	35	35			"				
	89 (1)	2054	36	36			"				
	110 (1)	2073	37	37			354				
	(3)	.....	.....	38			38	"			
	15	204	110 (5)	2073			39	39	"		
	16 (1)		33	2036			40	40	"		
	(2)	(2)	"	41			41	355			
	(3)	34	"	42			42	"			
	(4)	35	2037	43			43	"			
	17 (1)	205	89 (7)	2055			44	44	"		
	(2)		102 (8)	2060			45	45	"		
	(3)	{ 87 (4)	2053	46			46	"			
	(4)	{ 201	2102	47			47	"			
	(5)	38	2037	48			48	356			
	(6)	{ 210 (3)	2105	49			49	"			
	18 (1)		3	2117			50	50	"		
	(2)	7	2118	51			51	"			
	(3)	8	"	52			52	357			
	(4)	{ 12	2121	53			53	"			
	(5)	23	2122	54			54	"			
	(6)	29	"	55			55	"			
	(7)	30	"	56			56	"			
	(8)	31	2123	57			57	358			
	19	210	22	2121			58	58	"		
	20		54	2130			59	59	"		
	21	64	2166	60			60	"			
		62	"	61			61	359			
	17	1	35	1			344	62	62	"	
2		"		63		63	"				
3		3		64		64	"				
4		4		345		65	65	"			
5		5		"		66	66	360			
6		6		"		67	67	"			
7		7		"		68	68	361			
8		8		"		69	69	"			
9		9		"		70	70	"			
10		10		346		71	71	"			
11		11		"		72	72	362			
12		12		"		73	73	"			
13		13		347		74	74	363			
14		14		"		75	75	"			
15		15		"		76	76	"			
16		16		"		77	77	"			
17		17		"		78	78	364			
18		18		348		79	79	"			
19		19		"		80	80	"			
20		20		"		81	81	365			
21		21		349		82	82	"			
22		22		"		83	83	"			
23		23		"		84	84	"			
24		24		"		85	85	"			
25		25		350		86	86	"			
26		26		"		87	87	366			
27		27		351		88	88	"			
28		28		352		89	89	"			
29		29		"		90	90	"			
30		30		"		91	91	"			
31		31		"		92	92	367			
32		32		"		93	93	"			
			94	94		"					
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	98		98	"		30 (1)	{	181	108	1914				
	99		99	"				182	40	1937				
	100		100	"		(2)	{	181	107	1914				
	101							182	13 (4)	1930				
	102	35	101, 102	369		31	181	78	1906					
	103		103	"		32		87	1909					
	104		104	"		33		18	1887					
	105		105	"		34 (1)	(2)		99	1913				
	106		106	370					100	"				
	107		107	"		35	{	181	109	1914				
	108		108	"				182	42	1937				
	109		109	"		36	181	75	1905					
	110		110	371		37		27	1890					
	111		111	"		38		67	1901					
	112		112	"		19	{	43	13 (2)	450				
	113	{ 35	113	371				44	4	457				
114	{ 174	154 (4)	1718	43	16			450						
115	35	114	371	{ 43	10 (2)			449						
116		115	372	{ 46	20 (2)			466						
117		116	"	42	24			445						
117		117	"											
18	1	181	{ 3	1882		20	1	82	4	882				
	2		{ 6	1883			2		5	"				
			{ 99	1913			3		6	"				
			{ 8	1884			4		7	"				
			{ 19	1888			5		8	"				
			{ 9 (2)	1884			6		9	883				
	5		14	1885		21	1	119	13	1130				
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	7		28 (2)	"			3		15	"				
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	10		45	1896			6		22	1131				
	11		39 (2)	1894		22	1	164	52	1482				
	12		42	1895			2		53	"				
	13		43	"			3		55	"				
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	15		49 50,	1897				2		{ 20	1264			
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	18		62	1900		5			22	1265				
	(2)		64	1901		6			23	"				
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	21 (1)		{ 65	"			7	7	14	46				
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	(6)		(7)	"			9	144	12	1263				
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	22		77 (1)	1906		9								
	23		(2)	"			24	1	{ 6	14				
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26		{ 95	1911				9	144	12	1263				
27		{ 96	1912	24	1						{ 6	14		
28		82	1892			9							144	12
		{ 10 (2)	1885				24	1	{ 6	14				
		{ 84 (3)	1893	9	144						12	1263		
						24							1	{ 6
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				9	144						12	1263		
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24	2	{ 5	1 (34)	26	{ Securities continued.	24	14 (4) (5)	119	20	1131									
			(44)	31					21	"									
			(45)	"					27	924									
	3	{ 7	27	48		15 (2)	90	28	925										
			15	46				28	925										
	4	7	16	46		25	1	174	556	1773									
	5	6	15	39					26	1	174	529 (6)	1764						
	6	{ 6	16	"		2	(7)	(7)				"	"						
			7	17					46	7	"								
	6	7	21	47		27	1	180	76	1844									
	8	7	20	47					28	1	180	45	1835						
	9	7	13	921		29	1	198				13 (1)	1997						
	10	90	13	921					2	(2)	"	"	"						
	11					31	{ 1 to 8 }	180						56 (19)	1839				
	12	{ 6	12	38					59	1840									
	13	{ 7	10	44		{ Not Pub. Gen.	9	180	56 (19)	1839									
			3	856							59	1840							
	74	25	923	180									56 (19)	1839					
	90	17	1130												59	1840			
	14	119	18														1131	59	1840
	(2)		19														"		
(3)		19	"		59	1840													

# APPENDIX C.

ACTS and parts of Acts of a Public General nature, which affect Ontario, and have relation to matters not within the legislative authority of the Legislature of Ontario, or in respect to which the power of legislation is doubtful or has been doubted, and most of which have in consequence not been consolidated; and also Acts of a Public General nature, in force in Ontario, which have not been, for other reasons, considered proper Acts to be consolidated.

Chapter.	CON. STAT. CAN., 1859.		
	SUBJECT OF THE ACT.	PORTIONS WHICH MAY BE IN FORCE.	REMARKS.
2	Representation in the Legislative Assembly	The whole, with respect to representation in the House of Commons.	Amended B. N. A. Act, 1867, s. 40; 35 V. c. 13 (D); 37 V. c. 12 (D).
5	Interpretation Act	The whole Act so far as relates to the interpretation of Statutes not within the authority of the Ontario Legislature. Also, Sec. 6 (15) ..... Sec. 6 (16) ..... Sec. 6 (21) ..... Sec. 6 (26), last clause .. Sec. 14 (1), so far as relates to criminal matters ..	Criminal Law. do do do do Banking. Consolidated as to civil matters; Rev. Stat. c. 62, s. 37 p. 785.
10	Governor, Civil List, and the salaries of certain public officers	The whole	Probably Sup. 31 V. c. 33 (D); 36 V. c. 31 (D); 37 V. c. 4 (D).
12	Public officers	Sec. 7	Consolidated as to Provincial officers. See Rev. Stat. c. 15, s. 8, p. 204.
16	Collection of the Revenue	Sec. 4, as to exemption from militia duty. Sec. 14 ..... Sec. 40 (1) & (2) .....	Probably Sup. 31 V. c. 40, s. 17 (D). Sup. 31 V. c. 5, s. 14 (D). Criminal Law. See 32-3 V. c. 21, ss. 71, 72 (D); Printed Rev. Stat. pp. 236, 237.

Chapter.	SUBJECT OF THE ACT.	PORTIONS WHICH MAY BE IN FORCE.	REMARKS.
CON. STAT. CAN., 1859.—(Continued).			
23	Management of Timber on the Public Lands .....	Sec. 4 .....	Printed Rev. Stat. p. 278.
		Secs. 9, 10 (1) .....	Criminal Law. Printed Rev. Stat. p. 279.
		Sec. 13 .....	Criminal Law. See 32-3 V. c. 22, s. 56 (D).
24	Ordnance and Admiralty Lands ..	The whole .....	See 23 V. c. 22; 31 V. c. 42, s. 34 (D); and 40 V. c. 8 (D).
26	School Lands and Fund for Education .....	The whole .....	
29	Riots near Public Works .....	The whole .....	Consolidated Rev. Stat. c. 31, p. 316. See also 32-3 V. c. 24 (D).
		Sec. 8 .....	Criminal Law. Printed Rev. Stat. p. 318.
		Sec. 14 .....	Part Criminal Law. Printed Rev. Stat. pp. 319-20.
30	Sale of intoxicating liquors near Public Works .....	The whole .....	Consolidated Rev. Stat. c. 32, p. 321. Rep. as to Dom. 32-3 V. c. 36 (D).
34	Patents of Invention .....	The whole .....	So much as is inconsistent with 32-3 V. c. 11 (D); and 35 V. c. 26 (D), is repealed by those Acts.
36	Lands for military defence .....	The whole .....	Amended 29 V. c. 7; 29-30 V. c. 121 (Can); and 40 V. c. 8 (D). See also 25 V. c. 2 (Can).
37	Lands for naval defence .....	The whole .....	Amended 40 V. c. 8 (D).
39	Inoculation and Vaccination .....	Sec. 1 .....	Printed Rev. Stat. p. 1974.
46	Culling and measurement of Lumber .....	The whole .....	Amended 38 V. c. 34 (D); and 40 V. c. 16 (D).
52	Inspection of Hops .....	The whole .....	
54	Incorporated Banks .....	Sec. 10 as to private persons, and the whole Act as to Banks .....	Sec. 10 Criminal Law. Printed Rev. Stat. p. 1119. See 32-3 V. c. 21, s. 90 (D). The Act is probably superseded as to Banks by 34 V. c. 5 (D).
55	Banks and freedom of Banking ..	The whole .....	See 29-30 V. c. 10, ss. 16 & 18.
57	Promissory Notes and Bills of Exchange .....	Secs. 1-5 .....	
58	Interest and Usury .....	The whole .....	See 23 V. c. 34; 29-30 V. c. 10, s. 18; 36 V. c. 70 (D).
59	Protection of persons dealing with agents .....	Secs. 15-17 & 19 .....	Criminal Law. See 32-3 V. c. 21, ss. 79 and 86.
60	Limited Partnerships .....	Secs. 19-22 .....	Partnerships for doing business in both Ontario and Quebec. Printed Rev. Stat. p. 1147.
61	Pawnbrokers .....	Secs. 10-14 .....	Pawnbrokers' Rates. Printed Rev. Stat. p. 1298.
		Secs. 24-27 .....	Criminal Law. Printed Rev. Stat. p. 1300.
63	Joint Stock Companies for Manufactures .....	The whole as to Companies incorporated before the passing of 32-3 V. c. 13 (D), and 37 V. c. 35 (O).	Rep. as to future incorporations. 32-3 V. c. 13, s. 56 (O); & 37 V. c. 35, s. 59 (D).
66	Railway .....	Sec. 11 (13) last part .....	Criminal Law. See 31 V. c. 71, s. 4 (D); and 32-3 V. c. 23, s. 2 (D).
		Sec. 11 (30) .....	Arbitrations where Railways pass through Indian lands. Sup. 39 V. c. 18, s. 20 (D).
		Sec. 11 (31) .....	Carrying of the Mails, &c., on Railways, Printed Rev. Stat. p. 1494.
		Secs. 84, 85 .....	Criminal Law. Printed Rev. Stat. p. 1541.



Chapter.	SUBJECT OF THE ACT.	PORTIONS WHICH MAY BE IN FORCE.	REMARKS.
CON. STAT. CAN., 1859.—(Continued).			
66	Railways .....	Sec. 90 ( <i>part</i> ) .....	Criminal Law. See Rev. Stat. p. 1524.
		Sec. 102 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 1522.
		Sec. 105 .....	Criminal Law. Printed Rev. Stat. p. 1522.
		Sec. 121 .....	Criminal Law. See 32-3 V. c. 19, s. 10 (D).
		Secs. 152-155 .....	Part Criminal Law. Printed Rev. Stat. p. 1541.
		Secs. 158-161 .....	Part Criminal Law. Printed Rev. Stat. p. 1542.
67	Electric Telegraph Companies....	Secs. 8, 9 and 14-23 as to Companies incorporated before the passing of 32-3 V. c. 13 (D), and 37 V. c. 35 (O).	Secs. 1-7 and 10-13, Rep. as to future incorporations, 32-3 V. c. 13, s. 56 (D); 37 V. c. 35, s. 59 (O). Amended, 32-3 V. c. 14 (D).
		Sec. 16 .....	Criminal Law. Printed Rev. Stat. p. 1340.
		Secs. 21-23 .....	Criminal Law. Printed Rev. Stat. p. 1340. See 32-3 V. c. 22, s. 41 (D).
68	Companies for the transmission of Timber down Streams .....	The whole as to Companies not within the authority of the Province.	Amended, 36 V. c. 64 (D). Consolidated as to Companies within the authority of the Province, Rev. Stat. c. 153, p. 1380.
		Sec. 67 .....	Criminal Law. See 32-3 V. c. 22, s. 11 (D).
69	Insurance Companies' Dividends..	The whole .....	Rep. as to future incorporation of Societies within the authority of the Province by 37 V. c. 34, s. 19 (O).
71	Charitable Societies .....	The whole as to Societies incorporated before the passing of 37 V. c. 34, (O), and as to Societies not within the authority of the Province ..	
73	Private Lunatic Asylums .....	Sec. 17 .....	Criminal Law. Printed Rev. Stat. p. 2227.
		Sec. 26 .....	Criminal Law. Printed Rev. Stat. p. 2229.
		Sec. 30 .....	Criminal Law. Printed Rev. Stat. p. 2230.
		Sec. 43 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 2232.
		Sec. 46 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 2233.
		Sec. 48 .....	
		Sec. 49 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 2234.
		Sec. 50 ( <i>part</i> ) .....	
		Sec. 52 .....	Criminal Law. Printed Rev. Stat. p. 2235.
		Sec. 51 ( <i>part</i> ) .....	
		Sec. 56 .....	Criminal Law. Printed Rev. Stat. p. 2237.
		Sec. 60 (4) .....	
		Sec. 64 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 2238.
		Sec. 66 .....	
		Sec. 89 ( <i>part</i> ) .....	See Rev. Stat. ss. 100, 101, p. 2246-7.
		Sec. 106 .....	
		Sec. 107 .....	Criminal Law. Printed Rev. Stat. p. 1294.
		Sec. 31 .....	
77	Surveyors and Survey of Land ..	Sec. 104 .....	See 31 V. c. 71, s. 4 (D); and 32-3 V. c. 23, s. 2 (D).
		Sec. 107 .....	Criminal Law. See Rev. Stat. p. 1294.

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CON. STAT. CAN., 1859.—(Continued).			
79	Issue of Subpoenas throughout Ontario and Quebec .....	Secs. 4-11, 13 .....	Printed <sup>a</sup> Rev. Stat. pp. 781, 782.
80	Evidence of Foreign Judgments ..	Sec. 7 .....	Criminal Law. See 32-3 V. c. 19, s. 35 (D).
82	Public Meetings .....	Secs. 14-20 .....	Criminal Law. Printed Rev. Stat. pp. 1813-14.
83	Municipal Loan Fund .....	The whole .....	See 36 V. c. 47 (O) ; 38 V. c. 29 (O). 39 V. c. 4 (O) ; and 40 V. c. 13 (O).
85	Repair of Roads and Bridges ....	Sec. 3 (part) .....	Printed Rev. Stat. p. 1748.
87	Exemption of Firemen from certain duties.....	Secs. 1 and 4, as to exemption from Militia duty .....	See 31 V. c. 40, s 17 (D).
95	Lotteries .....	The whole .....	Amended, 23 V. c. 36 (Can).
99	Procedure in Criminal Cases ....	Sec. 97 .....	Criminal Law.
		Secs. 120, 121, as to fines, &c., of which the Province has not the disposal.....	Consolidated Rev. Stat. c. 88, ss. 7, 8, pp. 913, 914, as to fines, &c., of which the Province has the disposal.
101	Justices of the Peace .....	Secs. 3 and 4 .....	Criminal Law.
104	Special Constables .....	Sec. 13 .....	Criminal Law. Printed Rev. Stat. p. 887.
107	Reformatory Prison .....	Secs. 5-13.....	Secs. 5-7. Probably Sup. 38 V. c. 43, s. 1 (D). Secs. 8-10 also consolidated. See Rev. Stat. p. 2202.

## CON. STAT. U. C., 1859.

2	Interpretation .....	The whole as to the interpretation of Acts of the Con. Stat. U. C. not within the authority of the Provincial Legislature .....	Consolidated as far as within the authority of the Legislature of the Province. See Rev. Stat. c. 1, p. 1.
6	Militia Pensions .....	The whole .....	
10	Superior Courts of Law .....	Secs. 11-13 .....	Appointment, &c., of Judges. See B. N. A. Act, 1867, s. 96, <i>et seq.</i>
12	Court of Chancery .....	Sec. 5 .....	do do do
16	Surrogate Courts.....	Sec. 16 .....	Criminal Law. Printed Rev. Stat. p. 468 ; and see 32-3 V. c. 19, ss. 34, 37, 39 (D).
17	Courts of General Sessions .....	Sec. 8 .....	Criminal Law. Printed Rev. Stat. p. 459.
18	Insolvent Debtors' Court .....	The whole .....	
19	Division Courts .....	Sec. 48 .....	Criminal Law. Printed Rev. Stat. p. 491.
		Sec. 172 .....	Printed Rev. Stat. p. 519.
		Sec. 181 .....	Criminal Law. Printed Rev. Stat. p. 526. See 32-3 V. c. 19, ss. 33, 34 (D).
		Sec. 184 .....	Criminal Law. Printed Rev. Stat. p. 526.
26	Indigent Debtors .....	Secs. 17, 18.....	Fraudulent Preference of Creditors. Consolidated, Rev. Stat. c. 118, ss. 1 & 2, p. 1124.
		Secs. 19, 20.....	Criminal Law. Printed Rev. Stat. p. 1125.

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CON. STAT. U. C., 1859.—(Continued).			
31	Jurors and Juries .....	Sec. 98 ( <i>part</i> ).....	Also consolidated, Rev. Stat. c. 48, s. 105, p. 562.
		Sec. 108 .....	Also consolidated, Rev. Stat. c. 48, s. 108, p. 563.
		Sec. 139 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 571.
		Sec. 166 .....	Criminal Law. Printed Rev. Stat. p. 578.
32	Evidence and Witnesses .....	Sec. 18 .....	Criminal Law.
42	Bills of Exchange and Promissory Notes .....	Secs. 1-13, and 15-22....	
43	Interest .....	Sec. 4 .....	
47	Rivers and Streams .....	The whole .....	Amended, 35 V. c. 36 (D). Also consolidated, Rev. Stat. c. 115, p. 1112.
48	Mills and Mill Dams.....	Sec. 15 .....	Also consolidated, Rev. Stat. c. 115, s. 1, p. 1112.
50	Building Societies .....	The whole .....	Amended, 29 V. c. 38 (Can); 37 V. c. 50 (D); 40 V. c. 49 (D). Also consolidated, Rev. Stat. c. 164, p. 1470.
67	Cemetery Companies.....	Sec. 29 .....	Criminal Law. Printed Rev. Stat. p. 1579.
75	Master and Servant .....	Secs. 4, 5, 7, 9, 10, 11 ..	Criminal Law in part. Rep. after 1st May, 1878, by 40 V. c. 35, s. 1 (D).
		Sec. 12.....	Criminal Law in part. See Rev. Stat. p. 1191.
76	Apprentices and Minors .....	Secs. 9 and 10.....	Criminal Law. Printed Rev. Stat. p. 1201-2.
79	Prevention of Accidents from Machinery .....	The whole .....	
93	Surveyors and Survey of Lands ..	Sec. 4 .....	Criminal Law. Printed Rev. Stat. p. 1294.
94	Criminal Law of England continued .....	The whole .....	Criminal Law.
95	Apprehension of Fugitives from other Colonies .....	The whole .....	Criminal Law.
102	Punishment for illegally Solemnizing Marriages.....	The whole .....	Criminal Law.
104	Profanation of the Lord's Day ..	Secs. 1-7 .....	Also consolidated, Rev. Stat. c. 189, ss. 1-6, 8, p. 1957-8.
		Secs. 9-19.....	Also consolidated, Rev. Stat. c. 189, ss. 9-17, p. 1958-60.
105	Petty Trespasses.....	The whole .....	Amended, 25 V. c. 22 (Can).
107	Proceedings in Outlawry .....	The whole .....	Criminal Law.
108	Prosecutions for Misdemeanors ..	The whole, except sec. 3.	Criminal Law. Sec. 3 Rep. 32-3
109	Despatch of Business before Grand Juries.....	The whole .....	V. c. 36 (D).
112	Reservation of Points of Law in Criminal Cases.....	The whole .....	Criminal Law.
113	Appeals in Criminal Cases .....	Secs. 16 and 17 .....	See 32-3 V. c. 29, s. 80 (D). All except secs. 16 & 17, Rep. 32-3 V. c. 36 (D); 36 V. c. 3, s. 2 (D).
114	Appeals from Summary Convictions .....	Sec. 4 .....	Sup. except sec. 4 by 32-3 V. c. 31, s. 65 (D); 33 V. c. 27, s. 11 (D).
117	Estreats .....	The whole as to fines, &c., of which the Dominion has the disposal.....	Consolidated as to fines, &c., of which the Province has the disposal, Rev. Stat. c. 88, p. 912.
118	Appropriation of Fines.....	The whole as to fines, &c., of which the Dominion has the disposal.....	Consolidated as to fines, &c., of which the Province has the disposal, Rev. Stat. c. 89, p. 917.
124	Returns of Convictions and Fines ..	Sec. 7, as to fines, &c., of which the Dominion has the disposal.....	Consolidated as to fines, &c., of which the Province has the disposal.

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CON. STAT. U. C., 1859.—(Continued.)			
125	Coroners' Inquests .....	The whole .....	Consolidated, Rev. Stat. c. 79, p. 875.
128	Administration of Justice in Un- organized Tracts.....	Sec. 8 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 929.
		Sec. 9 ( <i>part</i> ) .....	Criminal Law. Printed Rev. Stat. p. 919.
		Sec. 17 .....	Criminal Law. Printed Rev. Stat. p. 921.
		Sec. 29 .....	Criminal Law. Printed Rev. Stat. p. 922.
		Sec. 80 .....	Criminal Law. Printed Rev. Stat. p. 932.
		Secs. 100, 101, 104, 105..	
23 VICT., 1860.			
1	Representation in the Legislative Assembly .....	The whole as to repre- sentation in the House of Commons .....	See B. N. A. Act, 1867, s. 40. Amended, 35 V. c. 13 (D).
2	Sale and Management of the Pub- lic Lands .....	Sec. 9 .....	See 31 V. c. 42, s. 35 (D).
21	Division Line between Upper and Lower Canada.....	Sec. 33 .....	Printed Rev. Stat. p. 259.
22	Ordnance Land Reserves .....	The whole .....	See 40 V. c. 8 (D).
29	Railways .....	The whole .....	Criminal Law. Printed Rev. Stat. p. 1537.
		Sec. 5 .....	Criminal Law. Printed Rev. Stat. p. 1542.
30	Joint Stock Companies for Manu- factures .....	The whole as to Com- panies incorporated be- fore the passing of 32-3 V. c. 13 (D); and 37 V. c. 35 (O).	Rep. as to future incorporations, 32-3 V. c. 13, s. 56 (D); and 37 V. c. 35, s. 59 (D).
31	Joint Stock Companies' Judicial Incorporation .....	The whole as to Com- panies incorporated be- fore the passing of 32-3 V. c. 13 (D); and 37 V. c. 35 (O).	Rep. as to future incorporations, 32-3 V. c. 13, s. 56 (D); and 37 V. c. 35, s. 59 (O).
36	Lotteries .....	The whole .....	See C. S. C. c. 95.
40	Representation in the Legislative Assembly .....	The whole as to repre- sentation in the House of Commons .....	
151	Indian Lands .....	The whole .....	See 31 V. c. 42 (D); and 39 V. c. 19 (D).
24 VICT., 1861.			
19	Joint Stock Companies for Manu- factures .....	The whole as to Com- panies incorporated be- fore the passing of 32-3 V. c. 13 (D); and 37 V. c. 35 (O).	Rep. as to future incorporations, 32-3 V. c. 13 (D); and 37 V. c. 35 (O).
20	Joint Stock Companies' Judicial Incorporation .....	do do	do do
23	Additional Facilities in Commer- cial Transactions.....	Sec. 1 .....	Criminal Law. Printed Rev. Stat. p. 1119; and See 32-3 V. c. 21, s. 90 (D). The Act is probably sup- erseded as to Banks by 34 V. c. 5 (D).
53	Separation of City of Toronto from York and Peel.....	Sec. 16 .....	

Chapter.	SUBJECT OF THE ACT.	PORTIONS WHICH MAY BE IN FORCE.	REMARKS.
25 VICT., 1862.			
2	Telegraphs connected with Military Defence.....	The whole .....	See C. S. U. C. c. 105.
22	Petty Trespasses.....	The whole .....	
27 VICT., 1863.			
2	Militia .....	The whole, so far as not inconsistent with Dominion Acts .....	Rep. so far as inconsistent, 31 V. c. 40, s. 99 (D).
3	Volunteer Militia .....	do do .....	do do
27-8 VICT., 1864.			
5	Law Stamps.....	Sec. 32 .....	Criminal Law. Printed Rev. Stat. p. 244. See 32-3 V. c. 19, s. 14.
10	Militia and Volunteer Militia....	The whole, so far as not inconsistent with Dominion Acts .....	Rep. so far as inconsistent, 31 V. c. 40, s. 99 (D).
18	Temperance Act of 1864 .....	The whole .....	Also consolidated, Rev. Stat. c. 182, p. 1924.
23	Joint Stock Companies for Manufacturers .....	The whole as to Companies incorporated before the passing of 32-3 V. c. 13 (D); and 37 V. c. 35 (O).	Rep. as to future incorporations, 32-3 V. c. 13, s. 56 (D); and 37 V. c. 35, s. 59 (O).
28	Office of Sheriff .....	Sec. 31 ( <i>part</i> ).....	Criminal Law. Printed Rev. Stat. p. 218.
		Sec. 48, as to fines, &c., of which the Dominion has the disposal.	Consolidated as to fines, &c., of which the Province has the disposal, Rev. Stat. c. 16, s. 37, p. 219.
28 VICT., 1865.			
2	Foreign Enlistment .....	The whole .....	See 36 V. c. 47, s. 52 (D). Criminal Law in part. Printed Rev. Stat. p. 945.
6	Weighing, Measuring, and Gauging Certain Articles .....	The whole .....	
8	Property in Swarms of Bees ....	Sec. 5 .....	



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29 VICT., 1865.			
6	Militia .....	The whole, so far as not inconsistent with Dominion Acts .....	Rep. so far as inconsistent, 31 V. c. 40, s. 99 (D).
7	Public Works connected with the Defence of the Province .....	The whole, so far as not inconsistent with Dominion Acts .....	Rep. so far as inconsistent, 31 V. c. 12, s. 71 (D).
19	Additional Facilities in Commercial Transactions.....	Secs. 5 and 6 .....	Criminal Law. Printed Rev. Stat. p. 1120, 1121; and <i>see</i> 32-3 V. c. 21, s. 90 (D). The Act is probably superseded as to Banks by 34 V. c. 5 (D).
20	Joint Stock Companies.....	The whole as to Companies incorporated before 32-3 V. c. 13 (D); and 37 V. c. 35 (O). Secs. 16 and 18 ( <i>part</i> )..	Rep. as to future incorporations, 32-3 V. c. 13, s. 56 (D); and 37 V. c. 35, s. 59 (O).
21	Joint Stock Companies for Manufactures.....		
22	Co-operative Associations.....		
24	Registration of Titles .....	Sec. 80 .....	Criminal Law. Printed Rev. Stat. pp. 1430, 1431.
		Sec. 81 .....	Printed Rev. Stat. p. 1088; <i>See</i> 31 V. c. 71, s. 4; 32-3 V. c. 23, s. 2.
25	Quieting Titles .....	Sec. 48 ( <i>part</i> ).....	Printed Rev. Stat. p. 1088; <i>See</i> 32-3 V. c. 19, s. 37.
		Secs. 49, 50.....	Printed Rev. Stat. p. 1059.
28	Property and Trusts, U. C.....	Sec. 20 ( <i>part</i> ).....	Printed Rev. Stat. p. 951.
38	Permanent Building Societies....	The whole .....	<i>See</i> C. S. U. C. c. 53, <i>ante</i>
29-30 VICT., 1866.			
10	Provincial Notes.....	Secs. 16 and 18 .....	
12	Volunteer Militia .....	The whole, so far as not inconsistent with Dominion Acts .....	Rep. so far as inconsistent, 31 V. c. 40, s. 99 (D).
19	Patents of Invention .....	The whole, so far as not inconsistent with Dominion Acts .....	<i>See</i> 35 V. c. 26, s. 43 (3, 4, 5) (D).
23	Joint Stock Companies for Manufacturers .....	The whole as to Companies incorporated before the passing of 32-3 V. c. 13 (D); and 37 V. c. 35 (O).....	Rep. as to future incorporations, 32-3 V. c. 13, s. 56 (D); and 37 V. c. 35, s. 59 (O).
46	View by Jurors .....	The whole .....	Consolidated, Rev. Stat. c. 48, ss. 126, 131, pp. 569, 571.
51	Municipal Institutions .....	Secs. 52, 53, 55 .....	Criminal Law. Printed Rev. Stat. p. 1603.
		Secs. 187, 188.....	Criminal Law. Printed Rev. Stat. p. 1666, 1667.
		Sec. 217 .....	Interest. Printed Rev. Stat. p. 1699.
		Secs. 218, 219.....	Banking. Printed Rev. Stat. p. 1701.
		Sec. 355 (27) .....	Criminal Law. Printed Rev. Stat. p. 1744.
		Sec. 409 .....	Criminal Law. Printed Rev. Stat. p. 1714.
		Secs. 414, 415.....	Part Criminal Law. Printed Rev. Stat. p. 1715.

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## ACTS OF ONTARIO.

32 VICT., 1868-9.

39	Joint Stock Companies for Manu- factures .....	The whole as to Com- panies incorporated be- fore the passing of 37 V. c. 35 (O).	Rep. as to future incorporations, 37 V. c. 35, s. 59 (O).
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34 VICT., 1871.

32	Charitable Societies .....	The whole as to Societies incorporated before 37 V. c. 34 (O).	Rep. as to future incorporations, 37 V. c. 34, s. 19 (O).
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35 VICT., 1872.

40	Joint Stock Companies for Manu- factures .....	The whole as to Com- panies incorporated be- fore the passing of 37 V. c. 35 (O).	Rep. as to future incorporations, 37 V. c. 35, s. 59 (O).
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36 VICT., 1873.

33	Hospital for Habitual Drunkards	The whole .....	
47	Municipal Loan Fund Debts ....	The whole .....	See 38 V. c. 29 (O); 39 V. c. 4 (O); 40 V. c. 13 (O).

38 VICT., 1874.

29	Municipal Loan Fund Debts ....	The whole .....	
31	County of Dufferin .....	The whole .....	

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39 VICT., 1875-6.			
4	Distribution of the Provincial Surplus .....	The whole .....	
40 VICT., 1877.			
6	Revised Statutes of Ontario.....	The whole .....	Printed with Rev. Stat. p. li.
13	Municipal Loan Fund Scheme ..	The whole .....	



## NOTE AS TO STATUTE REVISIONS IN THE PROVINCES OF UPPER CANADA, CANADA, AND ONTARIO.

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The history of the Statute Law applicable to the territory now comprised in the Province of Ontario, dates from 1791.

After the Treaty of Paris, 1763, by which the French possessions in North America were ceded to Great Britain, a Royal Proclamation was issued on the 7th October, 1763, introducing the law of England, both civil and criminal, into the whole of the ceded territory, and forming a portion of it, lying towards the East, into the Province of Quebec. The Governor of the new colony received power and direction "so soon as the state and circumstances of the colony would admit thereof, to summon and call a General Assembly," but until this was done, the Governor and Council were invested with "authority to make such rules and regulations as should appear to be necessary for the peace, order and good government of the Province." In 1774, the Quebec Act, 14 Geo. iii. c. 83, was passed, by which French law was re-introduced in civil matters, and the limits of the Province of Quebec were enlarged, so as to include the whole of the territory afterwards formed into Upper Canada. The Quebec Act produced dissatisfaction, especially among the British colonists, and in 1791, the Imperial Act, 31 Geo. iii. c. 31, was passed, by which the Province of Quebec as it then existed, was divided into the two Provinces of Upper and Lower Canada; the powers of legislation by the Governor in Council were taken away; and a Legislature was granted to each Province, consisting of the Governor, a Legislative Council and a Legislative Assembly. The first Parliament of Upper Canada met at Newark, now Niagara, on 18th September, 1792.

1. The first revision of the Statutes in the new Province of Upper Canada was made in 1818. It consisted merely of a collection of the Acts of the Province of Upper Canada in force at that date, together with such Acts of the Imperial Parliament and Ordinances of the former Province of Quebec as affected Upper Canada.

2. In 1831, a collection of the Statutes of Upper Canada, in force at that date, was published by Messrs. Hugh C. Thomson and James Macfarlane, which, though a private enterprise, long supplied the place of a revision by authority.

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3. In 1840 was passed the Imperial Act 3 & 4 V. c. 35, to re-unite the Provinces of Upper and Lower Canada; and the Union took effect by proclamation on the 10th February, 1841. A revision was soon after begun of the Statutes of Upper Canada in force at the date of the Union. A commission for the purpose,



dated 25th July, 1840, was issued to the Hon. John Beverley Robinson, the Hon. James B. Macaulay, the Hon. William Henry Draper, and John Hillyard Cameron, Esq., and directed the Commissioners "diligently and carefully to examine and revise the several statutes from time to time passed and enacted by the Parliament of Upper Canada, and then in force and effect; and to make such report upon the premises as in their opinion should be most for the interest, welfare and good government of the Province."

The result of the labours of the Commission was embodied in two volumes, the first containing Public Acts, and the second, Local and Private Acts. The report to the Governor-General, in which the Commissioners announced the completion of the work, is dated 8th March, 1843, and was printed as a preface to the first volume.

In this, as in former revisions, no consolidation strictly speaking of the Statutes was attempted. The various Acts in force were printed as they had been passed, omitting only such portions as had expired or had been repealed, with notes stating the reasons for omissions, and giving the provisions, if any, which the Legislature had substituted for repealed clauses; errors in the text were left uncorrected except by way of a note directing attention to them; and the revision did not receive authority by legislative adoption, but was nevertheless, by general use, practically substituted for the preceding volumes of Statutes.

4. A revision of the Acts and Ordinances in force in Lower Canada at the date of the Union of Upper and Lower Canada was begun in 1842, and completed in 1845, by a Commission composed of Messrs. A. Buchanan, H. Heney and G. W. Wicksteed. The Commissioners made two reports, which, as well as a prefatory notice, were printed with the volume of Revised Statutes compiled by them.

5. In 1856 was begun the first consolidation, properly so called, of the Statute Law.

Two commissions were then issued, one on the 7th February, 1856, appointing Messrs. John Hillyard Cameron, Joseph C. Morrison, Adam Wilson, Skeffington Connor, Oliver Mowat, and David B. Read, to examine, revise, consolidate and classify the Public General Statutes affecting Upper Canada only; and a second, dated 28th March, 1856, appointing Messrs. A. Polette, Gustavus W. Wicksteed, Andrew Stuart, T. J. J. Loranger, Robert Mackay, and George de Boucherville, to examine, revise, consolidate and classify the Public General Statutes applying exclusively to Lower Canada; and each Commission directed the Commissioners therein named, jointly with the members of the other Commission to examine, revise, consolidate and classify the Public General Statutes which applied equally to both sections of the Province.

Subsequently the Messrs. Cameron and Morrison resigned, and in their stead respectively the Hon. J. B. Macaulay and S. H. Strong, Esq., were appointed. Afterwards Dr. Connor, and Mr. Mowat also resigned, preparatory to their becoming candidates for election as members of the Legislative Assembly. The Commissioners were in a later stage of the work, and especially during its final revision, assisted by His Honour Judge Gowan, County Court Judge of the County of Simcoe.

The first report of the Commission was made on the 19th April, 1858, and drafts of the Consolidated Statutes for Upper Canada and the Consolidated Statutes of Canada were in 1859 submitted to the Governor-General, accompanied respectively by a report, dated January, 1859, by Sir J. B. Macaulay, the chairman of the Upper Canada Commission, and a joint report dated 3rd March, 1859, by Sir J. B. Macaulay and Mr. Wicksteed, the acting Commissioner of the Commission for Lower Canada. (*See Sess. Papers, 1859, No. 9.*)

At the Session of 1859 these two volumes were laid before the Legislative

Assembly, and Acts were passed to provide for their coming into force by proclamation.

Pursuant to the provisions of the last mentioned Acts, the enactments of the then Session were incorporated with the consolidation; and the two volumes were by Proclamation declared to come into force upon the 5th December, 1859.

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On 1st July, 1867, by Proclamation issued under the Imperial Act, 30 & 31 V. c. 3, the Province of Canada was, with the Provinces of Nova Scotia and New Brunswick, formed into the present Dominion of Canada. By that Act known as "The British North America Act, 1867," the two divisions of the Province of Canada were once more constituted separate Provinces, Upper Canada being called the Province of Ontario, and Lower Canada the Province of Quebec, and the power of legislation was divided between the Parliament of the Dominion and the Legislatures of the Provinces in manner defined by the Act.

6. "The Revised Statutes of Ontario" were prepared by a Commission appointed 24th July, 1874, composed in the first instance of the late Hon. William Henry Draper, Chief Justice of Appeal, the Hon. Samuel Henry Strong, Hon. George William Burton, and Hon. Christopher Salmon Patterson, Justices of Appeal, the Hon. Attorney-General Mowat, and Messrs. Thomas Langton, Charles R. W. Biggar and Rupert Etheridge Kingsford, Barristers-at-Law. The Hon. Thomas Moss upon his appointment as Justice of Appeal, the Hon. Samuel Hume Blake, Vice-Chancellor, and His Honour Judge Gowan, County Court Judge of the County of Simcoe, were subsequently added to the Commission.

The work of the Commission was three-fold:

*First.* To examine, revise, consolidate and classify such of the Public General Statutes, passed by the Parliament of the Province of Canada and applying to Ontario as were within the legislative authority of the Legislature of Ontario.

*Secondly.* To examine and arrange in the manner most convenient for reference such of the Public General Statutes passed by the Parliament of the Province of Canada and applying to Ontario as were not within the legislative authority of the Legislature of Ontario; and also the Statutes passed by the Parliament of the Dominion of Canada and affecting Ontario;

*Thirdly.* To examine and arrange in the manner most convenient for reference the Statutes of the Imperial Parliament, printed with the Consolidated Statutes of Canada in 1859, as well as all Statutes since passed by the Imperial Parliament.

This Commission made three reports dated respectively 12th December, 1874, 11th December, 1875, and 30th December, 1876. The first report was accompanied by tables showing the consolidation in outline. The second report announced the completion of the collection of Imperial Acts, and contained suggestions for legislation to remove discrepancies discovered in the course of the work, and otherwise to facilitate consolidation. Specimens of the work done were also submitted with this report. With the third report was submitted a draft of the Revised Statutes, which was laid before the Legislature at its Session in 1877.

A volume of 633 pages, being a portion of the collection of enactments of the Dominion of Canada, and of the Province of Canada which were not within the legislative authority of the Legislature of Ontario, was presented with the second report; but the completion of this portion of the work of the Commission was afterwards abandoned, in view of the preliminary steps which had been taken by the Dominion Government for a Consolidation of Statutes that would include the Acts of which the Ontario collection would have been composed.

The enactments of the Session of 1877, were, pursuant to the Ontario Act

40 V. c. 6, incorporated in the Draft Consolidation above mentioned, by a commission appointed by the Lieutenant-Governor, composed of the following members: Hon. Chief Justice Draper, Hon. Mr. Justice Strong, Hon. Mr. Justice Burton, Hon. Mr. Justice Patterson, Hon. Mr. Justice Moss, Hon. Vice-Chancellor Blake, His Honour Judge Gowan, Hon. Attorney-General Mowat, and, Thomas Langton, Esq., Barrister-at-Law.

The completion of their work was reported by the Commissioners on the 20th November, 1877, to the Lieutenant-Governor, and the Revision being approved of by him, a proclamation was, on the 7th December, 1877, issued, declaring the Revised Statutes to be in force on, from, and after the 31st December, 1877.

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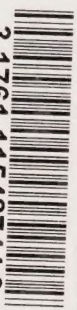












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